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**The Relationship Between the *Ulama* and the  
Government in the Contemporary Saudi Arabian  
Kingdom: An Interdependent Relationship?**

Submitted by

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For the Degree of Doctor of Philosophy

University of Durham  
Centre for Middle Eastern and Islamic Studies

2001



19 SEP 2001

## Abstract

This thesis examines the relationship between the *ulama* and the government in contemporary Saudi Arabia (end of 1970s until 1999). The study contends that the relationship between the *ulama* and the government is based on interdependence. The majority of previous analysis on Saudi Arabia underplays the importance of the role of the *ulama*, who indeed no longer have direct access to the government's decision-making. However this study shows how the role of the *ulama* is paramount for the legitimacy of the regime, an aspect that defines the nature of the interdependence between the *ulama* and the government. Two sets of hypothesis are used to explain how this relationship oscillates between conflict and cooperation in relation to the creation and maintenance of the legitimacy of the regime.

An analysis of the historical role of the *ulama* and examples of their role in current times has been brought in, to provide an understanding of the development of the role of both the *ulama* and the government in Saudi Arabia. The creation and maintenance of the legitimacy of the political system in Saudi Arabia underscores how and in which domains the relationship between the parties produces both conflict and cooperation, as well as how Saudi society participates in the maintenance of the legitimacy. The *ulama*'s role, moderating among the different actors of the society, has been emphasised through an examination of the contestation of the regime by different groups and individuals since 1979, and the record of cooperation with the government.

The conclusions of the research show how the *ulama* are important for the definition of the rules and values around which Saudi society revolves. However the role of the *ulama* is being threatened by the challenges emanating from the access to modern technology and the implications of the incorporation of Saudi society into the world economy.

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## **Declaration**

No part of this work has previously been submitted for a degree in this or any other university.

## **Notes on the Transliteration**

Most of the personal names, places and other words are spelled using their current usage in western literature. Only in the cases when Arabic material was cited was the transliteration system of the *International Journal of Middle Eastern Studies* was followed, modifying the accent of diacritics.

## **Acknowledgments**

I would like to express my gratitude to my parents and family for their immense support; and to my professors and friends in Mexico for their encouragement. I am grateful to my friends in Durham for their friendship and solidarity, especially to Abdul Gabbar, Ali, Liu, Maggie, Mirela, Michaela, Monica, Muhammad M., Muhammad H., Nicole, Neil, Othman, Stephen, Undala, Warrick and Zenen and all my colleagues who gave me support and made my life in Durham joyful.

I would like to extend a special thanks to the Saudi authorities who allowed me to carry out my research in Riyadh, and to all the persons who were generous with their time, knowledge and friendship during my stay in that city, particularly to the magnanimous scholar who supported my fieldwork.

I would like to thank also the members of staff and personnel of the Centre for Middle Eastern and Islamic Studies at Durham, particularly to Dr. Emma Murphy and Prof. Anoush Ehteshami.

I am most grateful to my supervisor Prof. Tim Niblock for his patience, encouragement and support throughout all these years of hard work.

Finally, I am indebted to my sponsor Conacyt (Consejo Nacional de Ciencia y Tecnología) for giving me the opportunity to carry out my research.

# Chapter One

## Introduction

A dominant topic in the study of Islam has been the issue of the relationship between religion and politics. The most widespread idea is that the mixture of these two domains is prevalent in the Islamic/Muslims societies, and that this is associated with backwardness given that in the Western world modernisation is anchored on the separation of these two dominions. The Kingdom of Saudi Arabia represents an example of an existing political system where Islam has played, and still plays, an important role. Thus, an appreciation of the relationship between the *ulama* and the government is central to understanding how politics and religion act in tandem to regulate and to influence Saudi society. The main feature of the relationship between these two actors is their interdependency in establishing both their authority and their legitimacy.

The principal concern of this research is the analysis of the *ulama vis-à-vis* the government. At the core of this relationship are the issues of authority and legitimacy, which are constantly being defined, at times swinging from conflict to cooperation in their relationship throughout the history of the kingdom. The *ulama*, as the interpreters of the sacred sources, are continuously in competition with the government and also with other groups and discourses over the sacred sources. In general terms, the definition of the domains of the *ulama* and the government has not been permanent nor has the interpretation of Islam in this sphere, since the latter has involved social practices attached to the particularities of the society.

The resources controlled by the government and the official *ulama* make them the principal influence to determine the interpretation of Islam and the content of the principles that govern life in Saudi society. However, different contexts or situations have influenced the scope and the terms of the definition of authority and legitimacy.



This research seeks to emphasise the changing conjunctures from the late seventies to the present, where internal and external processes overlap and produce shifts in the balance in the relationship between the *ulama* and the government.

The point of departure is based on a conception of power, which is not limited to power over society, but power with a transformative capacity. This may be imposed not only from above, but may also result from social individuals participating in the daily creation and recreation of norms.

As a way to set this study within a wider framework, it is necessary first to describe the historical role of the *ulama*, as an active social group and in relation to state authority. An examination of the relationship between the *ulama* and the government in countries such as Morocco, Egypt and Iran will show how this relationship has evolved, thereby bringing out the particular features of the Saudi Arabian case. The second part of this chapter presents the issues that are considered critical in the case of Saudi Arabia, defining the content of the relationship and its actors. It will also explain how this study is conceived.

### **1.1. The *Ulama* and their Historical Role**

The current usage of the term “*ulama*” (singular *alim*) refers to the persons who possess the knowledge (*ilm*) of science at large. Traditionally this term has been applied to those scholars who are knowledgeable of Islamic traditions and Islamic law.<sup>1</sup> On the basis of their knowledge and the qualifications derived from it, the *ulama* are perceived as being protectors of the Islamic heritage and their work has been the maintenance of Islam. “They were the agency which could identify with Islamism things of this world, constituted them as Islam, name them, form them into a tradition of scholarship and

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<sup>1</sup> Macdonald, D. B. (1937). “*Ulama*” in *Encyclopaedia of Islam* (hereafter *EI*) (in French). (Leiden: E. J. Brill). pp. 1047-1048.

learning, and into an ethos" (Al-Azmeh, 1997: 102). Their contribution was paramount to the development of the Islamic and Muslim community and the tasks performed by them were products of the religious, and socio-political imperatives faced by this community.<sup>2</sup> Among the functions and tasks that the *ulama* have been performing are mufti, *qadi* (judge), *faqih* (jurist), *khatib* (preacher), *mudarris* (teacher). A brief account of each of them follows, emphasising also the relation between the *ulama* and the central authority.

The origin of the role of mufti can be traced to the first year after the hegira (seventh century), after the death of the prophet, when the companions acted as muftis answering questions of the people regarding the rites and problems of daily life, according to the precepts of the *sunna* and Qur'an. During the Umayyad period, the *qadi* office was created due to the growing necessities of the new Islamic community. The *qudat* (sing. *qadi*) became the secretaries of the central government, administering and regulating daily life, enforcing Islamic norms and in this way ensuring Qu'ranic regulations prevailed (Schacht, 1970: 548). Of this group, some focused on the task of codifying and formulating the law. At the beginning the *sunna* was simply seen in terms of ideal practice or precedent, but gradually with the emergence of distinguished scholars and the establishment of *madrasas*, it became the *sunna* of the scholars until finally it became the *sunna* of the Prophet. The main preoccupation of the religious leadership was the definition of the norms and ethics of the society according to the precepts of the Qur'an, establishing the duties of individuals toward God and their fellow men (Gibb, 1962: 197-200).

Most of the *ulama* served as *qadi* (pl. *qudat*) whose main domain was the knowledge of the *shari'a* and whose principal function was the exercise of justice

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<sup>2</sup> For a general review on the biographic literature about the *ulama* see: Humphreys, Stephen (1991). *Islamic History: A Framework of Analysis*. (Princeton: Princeton University Press).

(*adil*). They were representatives of the central authority in towns and cities.<sup>3</sup> Other functions traditionally attached to the figure of *qadi* were the guardianship of orphans and supervision of testament wills, and they were in charge of marrying women who had no guardian. The *qadi* also had to be familiar with the issues of public order and public interest, as well as the supervision of the *awqaf* (religious endowments) (Gardet, 1969: 137).

At first, the duties developed by the *qadat* were devoid of economic gain, since the *qadi* had either an independent source of income or another profession by which he could earn his living. However, a breach of this practice was seen during the period of the Abbasid Caliphate, when the *qadi* started to receive money from the central authority, and when the Caliphate began to provide money for pensions and salaries for some mosques (Gibb and Bowen, 1957: 82).<sup>4</sup> The same was true of the muftis. After the development of Islamic law their function changed to that of providers of religious and legal opinion, although some of them kept their independence. Nonetheless, the muftis' contribution to the establishment of the canon of law was significant, since their opinion was important for its evolution (Schacht, 1970: 550).

Another role that arose from the development of the law was that of *faqih* (pl. *fuqaha*) or expert on the science of law. Originally this role was associated with the independent exercise of reasoning and giving opinions based on the Qur'an, *sunna* and daily life, as opposed to *ilm* which was associated only with the knowledge of the two first sources (Goldziher, 1987:101). The consolidation of Islamic law during the Abbasid period produced the specialisation of scholars on law and its four roots [the Qur'an, *sunna*, *qiyas* (analogies) and *ijma* (consensus)].

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<sup>3</sup> See Juynboll, W (1936). "KADI" *EI*. (in French). (Leiden: E.J. Brill). pp. 645-646.

<sup>4</sup> The function of *qadi* was very important for the caliph or central authority, since the geographical extension of the Islamic community made his role the link between the authority and the society at large. The interference of the political authority in judicial affairs started with the appointment or dismissal of the *qadi* according to the will and the collusion of interest of the caliph in the application of the law. See Coulson, N. J. (1996) "Doctrine and Practice of Islamic Law" in Edge, Ian (ed.). *Islamic Law and Legal Theory*. (Aldershot: Dartmouth:). pp. 425-440.

The *ulama*'s role as teachers was very important, since religious education was an informal type of education based on a close personal relationship between teacher and student. The *madrasa* (traditional school), located in the mosques, was the main source of education available. The study of the religious sources allowed knowledge to be handed down from generation to generation.

From the beginning, the *ulama* were heterogeneous because of the very nature of their role as jurists, judges or theologians. On the one hand, this reflected the diverse content of knowledge attained until Abbasid period, and on the other this group was not closed to any particular social background, since it was thanks to the financial donations of prominent families that the students were supported.<sup>5</sup> In general terms, there were those *ulama* associated with the political authorities and those who were independent. Sometimes the stance of the religious scholars was one of appeasement towards the central authorities, criticising them but not opposing them. This happened during the Umayyad period. At other times, they opposed the authority of the caliph as in the famous case of Ibn Hanbal and his dispute with the Caliph al-Mu'min during the Abbasid period. In this sense, it is important to consider that in the process of creating an Islamic culture and creating the norms of public life, the religious scholars incorporated the realities of their times. After all, the *ulama* were the ones who, adapting to the situation of their time, legitimised the figure of the Caliph and the political authority in general, giving the Caliph the right to intervene in religion as well (Schacht, 1970: 550).<sup>6</sup>

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<sup>5</sup> For general comments about the social roots of the *ulama* during the Abbasid period see: Sourdell, Dominique (1979). *Medieval Islam*. (London: Routledge and Kegan Paul). pp. 152-154.

<sup>6</sup> For a discussion about the theories of caliphate see: Ayubi, Nazih (1991). *Political Islam: Religion and Politics in the Arab World*. (London, New York: Routledge). Gibb Alexander (1962). *Studies on the Civilization of Islam*. (London: Routledge and Kegan Paul). Lambton, Ann (1981). *State and Government in Medieval Islam*. (Oxford: Oxford University Press). Rosenthal, Erwin (1958). *Political Thought in Islam: an Introductory Outline*. (Cambridge: Cambridge University Press).



## **1.2. The Relationship between the *Ulama* and the Government in Morocco, Egypt and Iran**

In the contemporary world, the role of the *ulama* has evolved in particular ways, but their role as the major providers of the rules that regulate daily life in society has remained unchanged. One has to bear in mind that Islam is not a monolithic system, rather it is subject to the traditions and development of each society and each country, in the same way that the political system is a result of those dynamics. The relationship between the *ulama* and government is therefore different in each country. Three cases will be presented as a means of framing the analysis of this research. Although the comments on each country do not constitute an exhaustive study, they do seek to elucidate briefly the way that the government and the *ulama* relationship has evolved, stressing mainly two variables: the autonomy of the *ulama* and the role of the *ulama* in legitimising state policies (Dessouki, 1987: 135).

The countries Morocco, Egypt and Iran, are examples of the different patterns of the relationship that exist between the *ulama* and the government in Muslim societies. To some extent Morocco shares with Saudi Arabia, the characteristic of being monarchies rooted in religion. Egypt, as a famous historical centre for religious learning, represents a point of reference on how the *ulama*, from being a group that mediated between political authorities and society, became subordinated to state authority. In contrast, Iran represents the *Shi'a* version and shows how independent religious leaders were able to create a revolution to end the monarchical government and to change the political system into a religious orientated one.

The Moroccan monarchy, as in the case of Saudi Arabia, is intertwined with religion. Both countries are products of religious movements, but in the case of Morocco, the disputes among different tribal and religious groups, as well as the colonial experience, created a rather distinct type of relationship between the *ulama* and the government. The ruling family, by virtue of its own origins, portrays Islamic

legitimacy. The founder of the country, Al Idrissi I (eighth century), was the grandson of Ali, the Prophet's son-in-law. Authority since then has been anchored in a religious legitimacy that has been recreated by the leaders of the different dynasties, by claiming family links to Al Idrissi and the Prophet's family. A popular manifestation of those claims is the notion of religious charisma (*baraka*), which is the product of the ancestry claimed by the rulers of Morocco. Descendants of the Prophet were seen as blessed with a divine force to give abundance and prosperity in the material world (Bourqia, 1999: 246). Another source of religious legitimacy derived from the lineage has been the title of *Amir al Muslimin* (leader of the Muslims) and/or *Amir al Mu'minin*, (leader of the believers) by different dynasties, up to the present.<sup>7</sup> In sum, the political authorities enjoyed, by their ancestry, the command of religion in the eyes of the population, in terms of religious charisma and religious authority.

Some of the *ulama* in Morocco can also be considered as possessors of *baraka*, as persons whose religious knowledge would make them close to God. However the *ulama* up to the pre-colonial period did not play a strong role, since the power of the Sultan was stronger than theirs. Only those *ulama* who were considered to be upholders of *baraka* could defy the Sultan's power (Munson, 1993: 54-55). In fact, due to the religious credentials that accompanied the figure of the King, the *ulama* effectively share with him the interpretation and knowledge of religion.

During the period of struggle against the colonial power, the *ulama* played an important role, constituting an organised group that supported independence. But, thereafter, there was a continuous reduction in their role, as independence led to an expansion of state control. The *ulama* lost control of their major domain, education, when the Western type of education was introduced, reducing their role to that of teachers or lecturers in the centres of learning. The main religious centre of learning, Al-

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<sup>7</sup> See Kably, Mohamed (1999). "Legitimacy of State Power and Socioreligious Variations in Medieval Morocco" in Bourqia, Rahma and Susan Gilson Miller (eds.). *In the Shadow of the Sultan: Culture, Power and Politics in Morocco*. (Cambridge, Massachusetts: Cambridge University Press). pp. 19-20.

Qarawiyyin, survived the attempts to integrate it with the University of Mohammed V (the main national university), but the *ulama* lost their supremacy in administering the law. The study of law had to include French law, after independence.

Major changes took place during the government of King Hassan (1961-1999). First of all, he took control of religious properties, such as those of *awqaf*, mosques and brotherhoods placing responsibility for the administration of these properties and for religious affairs under the Ministry of Habous and Islamic Affairs (Boween, 1985: 4-7). This brought about the loss of the *ulama*'s economic independence. The mosques and their personnel also passed under the control of the Ministry; the only ones remaining independent were those financed by private donations. In terms of education, the *ulama* were constrained by the advances of the government in this area. During the 1960s, the creation of the Institute Dar al-Hadith al-Hassaniyya removed the *ulama*'s monopoly over religious education. Furthermore, in the late 1970s, Islamic studies were incorporated into University studies. Since then, a double pattern for the formation of religious scholars has emerged. Those who graduate from al Qarawiyyin become the *ulama* in charge of giving the sermons, while those graduated from the Universities and the Institute are currently considered to be civil servants, in charge of administering the mosques and the related ministries, or teaching in the universities where they graduate (Tozy, 1999: 103-109).

The *ulama* after independence formed an independent organisation called the League of *Ulama* of the Maghreb in 1956, which aimed to promote and protect Islam. However, this league became a forum to protect the interests of the scholars, and its contribution to the public domain was formal and occasional (Tozy, 1979: 225). Another organisation composed by religious scholars is the one set up by the government called the Supreme Council of *Ulama* and headed by the King in 1981.

This organisation is the main supplier of the preachers and Imams for the mosques (Tozy, 1999: 113-115).

It is clear that the *ulama* after independence lost their autonomy. The King and the state took control of the *ulama*'s domains but, as the decades of the 1980s and 1990s showed, the appearance of religious opposition signalled the need to have the *ulama* more participant in the public domain, in order to neutralise the Islamist groups. In the case of Morocco, the role of the *ulama* continues to be to legitimise the state.

The case of Egypt represents a different case from those of Saudi Arabia and Morocco, due to the strength of the state in exercising its authority over the *ulama*'s dominions. The *ulama* have endured the different stages of the consolidation of the state. The *ulama*, prior to the advent of the reforms advanced by Muhammad Ali (1805-1809), exercised a political role as mediators between the government and Egyptian society. They were a distinct group not only due to their religious stance, but also as a result of their wealth derived from the *awqaf* and their function as tax collectors (Zeghal, 1996: 62-63).

The reforms introduced by Muhammad Ali marked the beginning of the *ulama*'s retreat from the public domain, amid the introduction of secular education. During this period, the agricultural *awqaf* were abolished, and the wealthy *ulama* who controlled them received compensation. Another important change was the abolition of taxes on peasants, removing the role of *ulama* as tax collectors.

The links between the *ulama*<sup>8</sup> and other social groups did not prevent their retreat from public life. Paradoxically, the alliance between non-wealthy *ulama* and the artisans attempted to stop Muhammad Ali from pursuing his policies, while the wealthy

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<sup>8</sup> Malika Zeghal points out the different groups among the *ulama*, distinguishing basically two: the wealthy *ulama*, who were the elite and had been associated with the political power, and the *mujawir ulama* including students who were living in or around the mosques and supported by the *waqf*. This second group is portrayed in Zeghal's account as more dynamic and flexible in their approach towards Islam and the ideas of nationalisation and modernisation, in opposition to the Azhari elite. Zeghal, Malika (1996). *Gardiens de l'Islam: Les Oulémas d'Al Azhar dans l'Egypte Contemporain*. (Paris, Presses de Sciences Politiques). pp. 70-76.

*ulama* together with the merchants cooperated with Muhammad Ali in enlarging the state's control.<sup>9</sup> Later, after the declaration of national independence in 1923, the *ulama* once more participated in politics, collaborating with the nationalist party (the Wafd) in adopting a nationalist stance, as shown in the defence of al-Azhar against British forces and the organization of public demonstrations. Once more, this alliance did not prosper, since the *ulama* were unable to form a viable alternative to secular nationalism, leading again to their retreat (Zeghal, 1996: 76).

Nationalism reached its peak during the Nasser regime, with its programme of socialism. During this period, the *ulama* were deprived of their economic resources and areas of influence. The religious endowments passed into the control of the state and paved the way for the introduction of more reforms aimed at decreasing the margin of manoeuvre of the religious scholars. Indeed, from this period onwards, areas traditionally held by the *ulama*, such as education, administration of justice and public health, were taken over by the state (Cantori, 1981: 79). The religious *awqaf* were abolished and the religious charity foundations passed under the control of the Ministry of Awqaf. The *ulama* became state functionaries, losing their economic independence. Another loss for the *ulama* was the abolition of the religious courts.

The most important policy was the nationalisation of al-Azhar and the loss of its independence, since the Sheikh al Azhar now came to be appointed by the president. The salaries of the al-Azhar *ulama* were made to conform with the ranks and salaries of other state functionaries. The introduction of modern studies in al-Azhar, beyond the scope of religious knowledge, represented, according to Zeghal, an attempt by the state to deprive the *ulama* of their role as transmitters of religious knowledge (Ibid. 99). Also

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<sup>9</sup> With the introduction of the economic reforms by Muhammad Ali and the state trading monopolies, there was an erosion of the interests of the artisans, limiting their scope and introducing European goods. The position of the merchants was different, since only a minority of them were affected. The majority of the merchants were participating with the state in the administration of the government trading monopolies. See Moaddel, Mansoor (1993). "The Egyptian and Iranian *Ulama* at the Threshold of Modern Social Change: What does and What does not Account for the Difference" in *Arab Studies Quarterly* 15, (3): 35-39.

during that time, family law (the *ulama*'s last domain in judicial issues) was taken over by the government.

Later, during the period of Sadat, and with the spread of Islamic organisations and the challenges posed by left oriented groups, the *ulama* once more endorsed the state policies. However, the Sheikh al Azhar opted to separate himself from the state, in an attempt to regain Al Azhar's space and to maintain the legitimacy associated with this institution.<sup>10</sup> If Nasser used Islam to legitimise socialism, Sadat resorted to Islam in order to fight Nasserism and to pursue a policy of economic liberalism. During the period of Mubarak, the Mufti and the Sheikh al-Azhar maintained different positions, the first legitimising the state and the second opting for a more independent role - in some cases opposing state policies and even *fatawa* issued by the Mufti. The emergence of critical Islamists has provided an opportunity for the Sheikh al-Azhar to pursue a policy of reasserting a role for this institution in the Islamic affairs. The state, due to economic and political conditions, has lacked a strong basis of legitimacy, and has, in order to increase its Islamic credentials *vis-à-vis* the Islamic oppositionist groups, given more influence to al-Azhar during the last years (Barraclough, 1998: 236-249). The *ulama*, and in particular al-Azhar, have been trying to re-gain their role as mediators between the state and society, exercising their influence over the media, education and law.

The Iranian *ulama*'s ascendance to political power was determined by their historical role as an important group inside the society. In contrast to the two previous cases, the Iranian religious scholars during the time of the establishment of the Qajar dynasty (1779-1925) enjoyed considerable prestige associated with the functions they performed, such as being educators and administrators of judicial affairs. In general terms, they were a semi-autonomous group, partly because the rulers gave them control

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<sup>10</sup> Ibrahim, Ibrahim (1987). "Religion and Politics under Nasser and Sadat, 1952-1981" in Stowasser, Barbara (ed.). *The Islamic Impulse*. (Kent: Croom Helm, Centre for Contemporary Arab Studies). pp. 121-133.

of the *awqaf* in order to promote Shi'ism against the practices of Sufism or Babism (Moaddel, 1993: 28). They had powerful links with the merchant class. Indeed, the relations between the bazaar and the mosque were due to the fact that some of the *ulama* were engaged in commercial practices, and that the commercial transactions were sanctioned by the *ulama* themselves. The *ulama* received donations from the merchants, and mosques were built in the bazaar (Faghfoory, 1978: 23).

The *ulama* were the only group that could articulate the demands of society and could challenge the government. The participation of the *ulama* in the tobacco concession (1891), their opposition to the constitution of 1906-1907 and the reforms promoted by Reza Shah in the aftermath of the First World War provoked the loss of privileges of the merchants through the reforms initiated by Reza Shah and, later, his son were the immediate cause that mobilised the *ulama*, the merchants and society in general to topple the Shah's regime in 1979.

The modernisation programme adopted by Muhammad Reza Shah since the 1960s included, among other policies, land reform, the professionalisation of the army, the introduction of the literacy and health corps, and the industrialisation of the country. The impact of these policies undermined the position of the *ulama*. The introduction of the literacy and health corps,<sup>11</sup> for example, was a blow to their traditional role in the countryside and, together with their disagreement with the over-reaching monarchical power and the strong foreign influence, provoked their participation in the organisation of the revolution.

The establishment of the "government of the jurists" gave the *ulama* the upper hand in the decision-making process, especially during the Khomeini period (1980-1989). This type of government is sustained on the idea that the main source of the

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<sup>11</sup> Since the early 1960s the policy of the state was aimed at curtailing the *ulama*'s power, and the introduction of these brigades of men to teach and help especially in the rural communities was regarded by the *ulama* as an attempt to take over their roles in the local communities. On the other hand, the state also encouraged and supported financially the establishment of other schools, reducing the financial help to the traditional religious schools. See: *Ibid.* pp. 129-143.

authority was the *ulama*, as the guardians of God's law and in the absence of the Imam. The best *ulama*, known for their knowledge of the sacred sources, would guide the community. The head of the government is the leader (*rahbar*), and is the main source of authority in the country, something between head of state and chief of justice (Hiro, 1987: 121). The leader, in Khomeini's time, enjoyed extensive control of the formulation of governmental structures, political and economic decisions and judicial matters. After the leader, second in authority is the Council of Guardians, composed of six *ulama* appointed by the leader and six experts on Islamic law. The main function of the Council of Guardians has been to verify the fulfilment of the *shari'a* in governmental policies, including the approval of the candidates for the elected positions in the parliament and the presidency. Just before the death of Khomeini, another institution held by the *ulama* came into existence, the Council of Assessment, whose main function was to pass laws independently of the Council of Guardians and the Islamic Consultative Assembly. The Assembly of Experts, constituted from the best-qualified *ulama*, is responsible for the election of the leader and the amendment of the constitution.

The *ulama* during this period occupied positions at all levels of the government structure. In economic terms, although they are financially dependent on the state, they are free from government interference, thanks to the emergence of foundations established by the religious scholars as a result of their own clientele. These foundations work on social projects and participate in business, thereby providing an alternative to state support (Schirazi, 1997: 155).

Since the death of Ayatollah Khomeini, the balance between politics and religion has been held by the latter. In general terms, the power of the *ulama* remains strong, since they are present in the most important institutions and bodies related to the government's decision-making process (Ehteshami, 1995: 47). The current president,



Khatami, a religious scholar with a reformist approach, is gaining support mainly from the younger generation and other sectors of Iranian society. In sum, the situation of Iran represents a case where the mixture of politics and religion has given society the opportunity to intervene in religion by participating in politics (Khian-Thiébaud, 1999: 14).

The three cases presented here show how different the relationship between the *ulama* and the government can be. The process of consolidation of a central authority has been, in the three cases, the context where the relationship between *ulama* and the government has evolved. The dominions of the *ulama*, education and justice, have been the source of competition between the two types of authority; the autonomy or lack of autonomy has been related to the nature of the *ulama*'s links to social groups. In the case of Iran, the strong links of the *ulama* with the commercial class, and the lack of a strong state paved the way for the creation of an Islamic government based on the authority of the *ulama*. The different types of national projects, depicted in each country and in different periods, have shown how Islam is invoked in order to gain legitimacy. The *ulama* are then in a position to obtain internal legitimacy, as is shown in the cases of Nasser and Sadat. However, the official discourse of Islam is not exempt from contestation and its continuous evolution makes the relationship between *ulama* and government sensitive to overcoming the challenges emanating from contestation.

### **1.3. Defining the Relationship of the *Ulama* and the Government in Saudi Arabia**

From the above examples of the relationship between the government and the *ulama*, the case of Saudi Arabia presents particular features. In contrast with the three cases presented, the role of the *ulama* in the formation of the Kingdom has been

paramount for the formation of the Saudi polity. In the Saudi case, religion has been associated to the formation of the state in Saudi Arabia. The notion of unity in the case of Saudi Arabia is shown by the alliance between the emir Muhammad ibn Saud and Muhammad ibn Abdul Wahhab in 1745, the former representing the political power and the latter the religious power. Furthermore, the maintenance of the role of the *ulama* and their relation with central authority has evolved in different ways, as this study will show.

The majority of the studies about the *ulama* in Saudi Arabia agree about the lack of power of the *ulama vis-à-vis* the government, as a result of the effects of the tension between modernisation and traditionalism. Al-Yassini, for example, contends that the relationship is symbiotic, where the institutionalisation of the *ulama* has represented the subjugation of *ulama* to the state. He argues further that the state will continue to use religion to strengthen its authority, but if the religious institutions challenge this authority, they will be suppressed (Al-Yassini, 1985). Also, Salamé considers the *ulama* have never enjoyed autonomy, because the political power (the political leader, the King and the state) has always used them as a mere instrument of legitimisation. As a result Salamé thinks that legitimacy is presently based more in institutionalisation than in religion *per se* (Salamé, 1987). Bligh agrees that the *ulama* do not have any power nowadays. He identifies the cause as the institutionalisation of religion and justice since the reign of King Faysal (Bligh, 1985). Layish also considers that the role of the *ulama* has been decreasing since the beginning of the third Saudi state (Layish, 1984).

In contrast, Kechichian contends that religious power and authority continues to be exercised by the *ulama* in tandem with the political figures. The *ulama*, according to him, have not been subjugated by the state, but co-operation is the main feature of this relationship (persuasion instead of veto) (Kechichian, 1986). Although Piscatori considers that the *ulama* do not have an autonomous power, he observes that the King

and the Al Saud family can not take for granted their loyalty, because the *ulama* are to a certain degree the intermediaries between society and government (Piscatori, 1983).<sup>12</sup>

The difference with the previous studies that this research aims to pursue is a conception of an interdependent relationship between the *ulama* and the government. The role of the *ulama* in the research is considered very important for the creation and recreation of the legitimacy of the political system. This interdependence is determined by the following considerations. The government requires the official *ulama* to legitimate its policies, to keep the moral, social and political values. The latter constitute one of the most important elements for the establishment of consensus between society and government. Meanwhile, the official *ulama* depend on the government for their maintenance as the only interpreters and supervisors of the application of Islam, as well as for the government's financial support. Therefore, it is possible to argue that the government has the authority to govern, while the *ulama* have the authority to keep the correct implementation of Islam. In order to exercise their respective authority each needs the other, creating a relationship of independency.

In spite of the amalgamation between religion and politics that is often portrayed as the main feature of the Kingdom of Saudi Arabia, this study departs from the idea that in practice the *ulama* and the government have separate dominions. The exercise of their authority involves the intersection and overlapping of their dominions (Eickelman and Piscatori, 1997: 59). This intersection and overlapping causes the relationship to oscillate according to the context, between cooperation and conflict. Furthermore, the relationship between the *ulama* and government in Saudi Arabia is conceived of as being one of the main pillars for the existence of the political system and the state.

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<sup>12</sup> The study of Openshaw, following the studies mentioned already, reached the same conclusions as Piscatori in his analysis of Islam in Saudi Arabia with the emergence of the Islamic opposition in the nineties. Openshaw, M. (1994). "Religion and Legitimacy: the Al-Saud, Wahhabism, and Saudi Arabian Politics" *Journal of Arabic, Islamic and Middle Eastern Studies* 1, (2): 76-89.

## A. Dimensions.

The dimensions that are followed in this study are the ones related to the concept of legitimacy by itself and legitimacy as an ongoing process. In this study the articulation of legitimacy is conceived, as it is discussed in the following chapter, as being based on a relationship between the government and governed. This relationship is created and recreated first of all by the agreement between government and governed on the values and norms of the society. Another important aspect is that the rules and norms are justified by the shared beliefs of both parties in the relationship, and by the existence of consent between those governed to those in authority.

In order to understand how legitimacy entails a dynamic process where legitimacy is reproduced, it is necessary to take into consideration the following dimensions: the origins of the values and norms of the society, the recreation and maintenance of those values and norms, and the contestation of the political power. Regarding the first dimension, although this is a reference to the past of a society and its representations and discourses, it remains a constant source of invocation for the actors involved in the process of legitimacy, and also for the ones who challenge the legitimacy of the regime. The construction of forms of authority and the ways that legitimacy is justified and attained in the past form an understanding of the present, since the current forms of authority and the process of legitimacy are framed in that tradition.

The second dimension, the recreation and maintenance of norms and values that accompanied the process of legitimacy, is regarded here as the way that both the *ulama* and the government exercise their authority and the way that legitimacy is constantly attained. In parallel, the way that society performs daily life and complies with the

norms and values indicates how society on its own produces and reproduces the legitimacy of the system.

The third dimension is the contestation to the prevalent form of authority and/or government. The contestation is anchored in the same framework of history, norms and values, but it claims another interpretation of those elements, opposing the form of legitimacy and vindicating its own claims. Conforming to and opposing the prevalent order are practices carried out simultaneously either by groups or individuals, these constitute an important element in identifying the agents that participate in the political system, and establishing how legitimacy is reinforced and challenged.

## **B. Levels of Analysis.**

The levels proposed for this research are the “*siyasa*” (governance, political domain) and “*shari’a*” (religious domain), as domains of both the *ulama* and the government respectively. This approach follows the distinction that is established by Vogel, in his study of the law in Saudi Arabia (Vogel, 1993: 409-412). This division, as is explained in the following chapter, is born from the doctrines and the practices established by the Wahhabies. In practice both dominions are intertwined by the search for and maintenance of, the legitimacy of the political system. It is undoubtedly a considerably difficult task to separate these two dominions because the activity and the fundamentals of these two actors overlap in reality. However, it is indeed the overlapping of the two dominions that causes strains and co-operation in the relationship between the government and the *ulama*.

The first domain, political, is related with the exercise of power both in the formulation of internal and foreign policy and its implementation. This domain is almost the prerogative of the principal circle of the Al Saud family, the main participants in the process of decision-making. The King has the right to nominate his cabinet, to appoint the members of the Council of Ministers and *Shura* Council, and has

the authority to issue decrees that Islamic law does not consider. However, in the principal circle, where the decisions are taken, the King or the princes can find opposition or consensus towards certain policies. For this reason, it is important to emphasise that the authority, which emanates from the government, is independent of any other instance of power, since Saudi Arabia lacks a parliament or another institution participating directly in government's decision-making process, apart from the royal family.

The second domain considered is the religious domain. This domain is mainly focused on the relationship between individuals and their commitment to God. The main feature of this dominion is that it is circumscribed by the interpretation and application of the *shari'a*. The institutionalisation of *ifta*, as the activity of asking religious scholars for advice in dealing with daily life, is the main social practice attached to this domain. The enforcement is subject to the commitment of the individual.

The engagement between the first leaders and creators of Saudi Arabian Kingdom can be taken as representing the indivisibility of the two dominions, because the Al Saud family also exercise a role as guardians to maintain Islam. Therefore, the authority of both the *ulama* and the government are rooted in religion: the former, as interpreters of the sacred sources, became an important source for the definition and recreation of the norms of the society and the government. The latter also has religious responsibilities to conform, and contribute, to the creation and recreation of the norms and practices of the polity. These aspects give the main feature to this relationship, the interdependence between the two actors.

It is necessary to cross these two domains if one is to understand where and how the *ulama* can act as religious custodians and can interfere in the political dominion, on the one hand; and where and how the political authority can interfere in the private

domain on the other. This research focuses on the contemporary period from the end of the 1970s until 1999. This period is important since the consequences of the reorganisation of the judicial system and the creation of Ministry of Justice (1971), are going to be examined. At the same time the effects of the take-over of the Great Mosque and the regional challenges emanating from the Iranian revolution and the Second Gulf war are analysed.

### **1.3.1. Hypotheses**

The relationship between the *ulama* and the government has been perceived as being one of interdependence, albeit with an underlying asymmetry of power, sometimes in favour of the former, and at other times in favour of the latter. This relationship is also considered as one that entails in certain circumstances either conflict or cooperation, according to the domain and the event in question. In order to clarify how the research has been focused it is necessary to provide a system of relationships, aimed at providing a guide to the content of this study.

This system of relationships is divided into two sets of hypotheses. The first set refers to the relationship between the *ulama* and the government when there is cooperation between them. The proposals contained in this set aim to explain the existence of mutual dependency between these two authorities. The second set refers to the development of the relationship of the *ulama* and the government amid the existence of conflict, explaining how it was produced by the overlap between their respective domains.

**I-There is an interdependent relationship between the official *ulama* (religious authorities) and the government (political authorities) created by their dependency on each other's legitimacy.**

- 1.1. Agreement between the government and society on rules and values, which are produced and reproduced by social practice, is the most important part of the regime's legitimacy.
- 1.2. The government is dependent upon the *ulama* by virtue of the latter being the sole interpreters of the religious sources and therefore the main providers of the content and recreation of both values and rules to which government and society conform.
- 1.3. The dependency of the *ulama* upon the government stems from the role of the government as the main enforcer of the legal rules, which in turn is built on the government resources.
- 1.4. The government will continue to need the senior *ulama* as long as the *ulama* act as moderating agents among the spectrum of religious tendencies.
- 1.5. In times of external or internal challenges to the integrity of the security of the Kingdom, the *ulama* and the government are more likely to act together.

**II. The conflict between *ulama* and government occurs when one of the two interferes in the sphere of the other's authority.**

- 2.1. The existence of two legal dominions, one dependent on governmental rulings and the other dependent on religious rulings, creates the possibility of conflict between the government and the *ulama*.



- 2.2. The government has tried to depend less on the legitimacy of official *ulama* creating other frameworks of authority dependent on itself.
- 2.3. When elements in the society (especially non-official *ulama*) contest the senior *ulama*'s support for government policies, the official *ulama* will pursue a policy of reinforcing their independence from the government, with the aim of maintaining their own legitimacy.

### **1.3.2. The fieldwork**

The importance of conducting interviews in Saudi Arabia was the main priority of the researcher from the beginning of this research. This was a rather difficult task to achieve because the sensitivity of the topic raised discomfort and suspicion. During the initial two and half years of the research, the researcher established contact with several Saudi academics and religious scholars in order to conduct interviews and to obtain permission to undertake research in Saudi Arabia. It was not until 1999 that permission was finally granted.

The main goal of the interviews was to try to discover the perceptions of the *ulama* and the different social actors in Saudi Arabia about the role of the *ulama* and their dealings with the government. The interviews began in England from 1997 but the majority of them were undertaken in Saudi Arabia during the period of fieldwork from February until June 1999. In total, thirty-one interviews were realized.

The methodology employed to carry out the interviews was, according to the classification of Denzin, mainly based on non-scheduled interviews and un-structured interviews (Denzin, 1975: 122-143). The first type of interview is one in which the questions are worded in terms that are familiar to the interviewees; consequently, the interviewer had to construct the questions according to the particular world vision of the interviewees. Another feature of the non-scheduled interview is that the order of the

questions asked corresponds to the readiness or willingness of the respondent; and finally having some freedom of schedule, the interviewer can ask another question according to the content of the answers received (Ibid. 125-126).

The second type of interview is one in which the interviewee gives complete freedom to the interviewer to ask questions in different areas without following any standardised set of questions, and it becomes more of a friendly conversation. This second type of interview can also be called an active interview, where interviewer and interviewees both generate, in a dialectical way, an understanding of the reality studied. "Active interviewing is a form of interpretation involving respondent and interviewer as they articulate ongoing interpretative structures ..." (Holestein and Gubrioum, 1995: 16).

The questions, employed in this research, aimed to cover three areas; namely the patterns of socialisation of the *ulama* and their understanding of the social and political issues. The way to decide which questions were to be asked was determined by the place of the persons within Saudi society and the setting of the interview.

The settings of the interviews differed greatly. A number of interviewees were met only once and within time constraints while others were interviewed with few time constraints on more than one occasion. A few were reluctant to answer anything more than general questions. The outcome was dependant firstly on the willingness of the individual to be interviewed and secondly on the relationship established. The fluidity of some interviews and dialogues was reflected in the length of the interviews.

The sensitivity of the topic, plus the fact that the researcher is a non-Muslim woman, were more of an advantage than a disadvantage. Generally speaking, the religious scholars and other persons who participated were friendly and generous with their time and knowledge. The researcher did not feel at a disadvantage because of the conditions mentioned before.

Most of the time the researcher accompanied by an interpreter, provided either by the interviewee or arranged by another party. Although the researcher's command of spoken Arabic is not fluent, she was still able to follow the conversation in Arabic and to check the accuracy of the translation.

To protect the anonymity of the interviewees they are categorised into *ulama*, academics, and non-academics persons connected to different avenues of life. Religious scholars are referred to by capitals letter (A, B, etc.) while small letters (a, b, etc.) are used for the last two categories.

#### **1.4. Treatment of the Problem**

In order to establish the theoretical bases it is necessary to look at the dimensions of authority and legitimacy, as practices of power that define the main actors of this study. Therefore, the point of departure in the theoretical chapter is a conception of power that accounts for the participation of the actors not only at an institutional level, but also from the society itself, since the constitution of the political system and in general of any political system has to comprehend both levels, social and political. A revision of the concept of power will be presented, as a feature that is involved in the creation and recreation of authority and legitimacy. This revision is approached by referring to the debate on agency and structure, within which this discussion is situated.

The second part of the theoretical chapter analyses three different approaches used for the understanding of a political system and the ways which authority and legitimacy are articulated. This begins with the classical approaches of political science, sustained on the bases of structuralism and functionalism. The works of Easton and Apter are analysed, leading to the proposals of the structuration theory and the insights

towards the issue of norms. A brief elucidation of the relevance of some principles of the theory of structuration by Giddens is presented with a view to stressing the social dimension of a political system and understanding how legitimacy involves the social practices for the production, maintenance and reproduction of legitimacy.

An understanding of how social practices are important in revealing legitimacy in Saudi Arabia requires an analysis of the history of the formation of the Kingdom. Hence, the third chapter focuses on the development of the notions of authority and legitimacy in the social and political process that accompanied the creation of Saudi Arabian Kingdom. The approach followed in this chapter is to divide the historical developments by looking first at the origins of the state, namely the first and second Saudi Arabian states, and secondly by examining the formation and consolidation of the current state of Saudi Arabia until the decade of 1970s. In the first main section, covering the first and second Saudi Arabian states, emphasis is given to the causes surrounding the emergence of the Wahhabi movement and its significance for the construction of a permanent form of authority in the area, as well as to the ideological bases where the notions of authority and legitimacy are sustained. In similar terms, attention is given to the practices of the government and the *ulama* in the three periods mentioned. The last section of the chapter deals with the contemporary period: the reigns of King Saud and King Faysal. The analysis centres on how, with the consolidation of the state, the relationship between the government and the *ulama* entered a new phase of definition.

The fourth chapter attempts to show how the legitimacy of the system in Saudi Arabia is attached to current social practices, where the *ulama* are to a great extent the creators and promoters of norms and values. Analysing the organisation of the legal system, delineating the domain of both actors, provides a way of understanding the dimensions of legitimacy. However, others aspects such as the reproduction of social

life, where the *ulama* exercise a continuous influence, determine in the long run the maintenance of the legitimacy of the system. The issues of the place of the family and women both in society and in the religious life shows how these contribute to sustaining the legitimacy of the system. The participation of the *ulama* in the public domain, in terms of the areas such as education and bank regulations, show the tensions existing between the government and the scholars. Another area of importance is the foreign policy of Saudi Arabia, which seeks to reaffirm its Islamic credentials. Although the participation of the *ulama* is not present in the decision-making process, Islam plays an important part for certain issues and scenarios.

Saudi Arabia in spite of its conservatism and Islamic credentials has not been exempt from the emergence of religious contestation. The fifth chapter has as its main aim to show that the *ulama* and the government are not the only competitors over the interpretation of Islam, but that there are other groups inside Saudi society that contest the official voices, including the non-conformist *ulama*. How this contestation of the legitimacy of the regime affects the relations between the *ulama* and the government is examined, assessing different conjunctures and actors that have contested the religious credentials of the regime and the religious scholars. The Mecca Uprising, and the different groups that emerged during the Second Gulf war will be the object of analysis.

## Chapter Two

# The Saudi Arabian Political System

The main goal of this chapter is to establish a proper focus on how to approach the relationship between the *ulama* and the government. As in any political system, the distribution of, and bargaining over, power is the main axis, particularly in the process of the creation, exercise and maintenance of both authority and legitimacy, as the main issues that form the content of the relationship between the *ulama* and the government. It is necessary to examine first of all the dimension of power; this is followed by a discussion of the question of authority and legitimacy, since both embody power relations. The explanation of these relevant concepts will be framed within the discussion of the agency-structure debate,<sup>13</sup> showing the latent tensions in the different perspectives that are considered.

This relationship must be set within the political system to which both the *ulama* and the government belong, taking into consideration the Saudi political system as a whole, since both authority and legitimacy involve processes that are in a continuous formulation by social actors and institutions. This is preceded by an examination of the different approaches required to understand a political system.

After the main components of the relationship have been discussed and the approaches are examined, it becomes necessary to explain in analytical terms how these components operate within the structure and dynamics of the Saudi political system.

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<sup>13</sup> "Agency is any human being able to deploy (chronically, in the flow of daily life) a range of causal powers, including that of influencing those deploy by others" Giddens, Anthony (1984). *The Constitution of Society*. (Cambridge: Polity). p. 14. Following the definition of Giddens "structures are a virtual order, that only exist at the moment of instantiation (at the moment of the action) and as memory traces them" *Ibid.* p. 17. These definitions are going to be explained in section 2.2.3. For a consideration of the temporal dimension associated with agency see: Emirbayer, Mustafa and Ann Mische (1998). "What Is Agency" in *American Journal of Sociology* 103, (4): 962-1023; or a general account on the state of affairs of the debate see: Shilling, Chris (1999). "Towards an Embodied Understanding of the Structure/Agency Debate" in *British Journal of Sociology* 50, (4): 543-562.

This is done by highlighting the question of maintenance and reproduction of both authority and legitimacy, since these are at the very heart of the interdependence between the *ulama* and the government.

## **2.1. Authority and Legitimacy**

In order to consider an explanation of the dynamics of the principal concepts of this study (authority and legitimacy) it is necessary first of all to posit an explanation of power, which is the base and the link between authority and legitimacy. The following conceptualisation of power aims to show, in general terms, the different threads embodied in the consideration of power from a structural point of view or from an agency perspective.

An explanatory definition of the concept of power is “either having power to do something or to affect someone and one’s having power over another” (Ball, 1993: 548). According to this definition it is possible to identify two main views. Some scholars try to identify power as something static that is the result of some abilities or resources. In other words, they define power according to the attributes or origins of the structure or system within which the actors operate. Others conceive of power as the result of the manipulation of resources or abilities by an actor, or according to the means employed in the exercise of power. This division is the basis of the argument located at the heart of the debate in politics, the issue of agency (agents) and structure (institutions or conventions), and it is the defining axis on which the definitions of power are centred in this section.

Dahl defines power as a multidimensional concept, from the agency point of view, in reference to the actors and the outcomes of the application of power. For example, he considers power in relational terms, where “A has power over B to the

extent that he can get B to do something B would not otherwise do" (Dahl, 1957: 202). According to Clegg, the assumptions implicit in this definition emphasise a causal relationship, which is determined by the effects of A over B. Furthermore Dahl's distinguishes the importance of the scope of the exercise of power by A over B in terms of the resources used towards B, and finally, the scope of A over B, is determined by B's type of answer or acts to that exercise of power (Clegg, 1989: 51-52).

Another approach based on the agency of power is the one provided by Arendt. She considers that power is not the privilege of one individual but it belongs to a group of persons, since a person can have powers to the extent that other people empower them in order to act in their name (Arendt, 1986: 64). As in Dahl's definition, there is a causal link associated with Arendt's conception, since power is acquired and exercised in relation to others, but the latter's emphasis is on the importance given to the group of persons (social meaning of power) rather than on the holders of power *per se*.

A definition situated more in the perspective of structure, although attempting to link both agency and structure, is the one provided by Bacharach and Baratz. In contrast to Dahl's argument, they couch their definition in terms of the unseen effects of the exercise of power, and the clarification of the key issues advanced by him, as well as the impact of structure on the configuration of power. Furthermore, they acknowledge the importance of structure in enabling A to exercise power over B. According to them, in every exercise of power there is the mobilisation of bias, by which they recognise and acknowledge that behind any exercise of power there is an organised set, a structure as a condition for the configuration of power. Structure thus denotes power, rather than being something residual or tangential to power, so anything that challenges values or institutions, is considered important. This argument is directed against the positivism attributed to Dahl and his followers. Bacharach and Baratz contend that power is the



product of both structure and agency, and that factors other than the simple effects of decisions have to be taken into consideration.

Bacharach and Baratz consider the latent dimension that plays in the structure and the agents creating and exercising power. This latent dimension is perceived as the unseen nature of power, whereby A can use power in order to avoid B raising any issue that would challenge the values or institutions that sustain a setting. In this case, A would threaten B with the application of sanctions if B raised any challenge to those important elements, such as a threat to "the rules of the game" (Bachrach and Baratz, 1962: 948-950).

A main pillar in the current debate about the conceptualisation of power is that advanced by Lukes. He accepts the previous two points of view, both from the pluralist approach and the Bacharach and Baratz approach. He advances a third dimension by introducing the understanding of power based on the ideal of what people would do if they knew what their real interests were (Lukes, 1974: 20).<sup>1</sup> For Lukes, then, the real significance of power in politics is produced when someone can affect the freedom of another individual, when one actor deprives another actor of vital resources, emphasising the inequality of resources and abilities among actors.<sup>2</sup>

As has been explained, the conception of power revolves around the two issues of agency and structure. The definitions show how power is considered from the agent's point of view as power over someone or something. The context in which an agent can have access to resources and the situation of the exercise of power corresponds to power

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<sup>1</sup> In this case, Lukes is referring to the differential of power among actors due to structural constraints. According to Clegg, Lukes' understanding of power has a link with Habermas' conception of the ideal speech situation. For Habermas, language is the expression of action; only an ideal (free) speech situation, where power does not constrain the speakers to express their real preferences. But when power is present it inhibits the speakers. Clegg, Stewart (1989). *Frameworks of Power*. (London: Sage Publications). p. 134.

<sup>2</sup> The principal critics towards Lukes's conception of power argue that politics is not only "power over", but also power can be reached by dissuasion or persuasion (agreement), or it can be without any damage—sharing with the power holder the benefits of his position. Ball, Terence (1993). "Power" in Goodwin, Robert E. and Philip Petit. *A Companion to Contemporary Political Philosophy*. (Oxford: Blackwell Publishers). p. 551.

in structural terms. The consideration of how power can be translated in unequal terms according to Lukes, covers two main perspectives. Hence taking account of those axes, the question of authority as the embodiment of the creation and exercise of power must now be considered.

From the agency point of view is Weber's definition of authority. In his view, authority is a relationship of domination where

“a manifest will (mandate) of the dominator or dominators influences the acts or actions of others (subordinator or subordinators). These acts or actions are produced as if the subordinated had adopted the content of the mandate of the dominator (s) as an ideal of their acts” (Weber, 1992: 170-172).

As may be appreciated from this definition, the emphasis is on the agents and the causal relationship as addressed in Dahl's approach, specifically on those wishing to have power over others in order to dominate, and those who obey.

Another traditional definition of authority rooted in the perspective of power over others is the distinction between two types of authority, but dependent on a causal relationship. “**An authority**” is possessed by virtue of a demonstrated knowledge, skill or expertise concerning a subject matter or activity; “**in authority**” is a property of rules and offices created by rules (Watt, 1982: 16 and Friedman, 1990: 57).

A definition of authority often employed in politics is the one based on the distinction between *de facto* authority (fact or actions) and *de jure* authority, a concept related to the notions of conformity to the rules established (Goodwin, 1992: 260). The understanding of authority conveyed in this interpretation is based on the exercise of power by itself in the first case, while in the second there is a dimension ascribed to it in relation to the recognition of the holder of power by individuals or groups.

Eickelman and Piscatori conceive a specific type of authority, the sacred authority, in the context of Muslim societies. This type of authority is mainly related to the type of authority exercised by the *ulama*, and covers three dimensions related to the

importance of acknowledgement by the people, the position (an authority), and the importance of the roles as a determinant of the reinforcement of the authority. The first dimension, the ideological, corresponds to the fact that the bearers of authority represent not only the moral values cherished by the community, but also the symbolic reference points of the society, including sacred texts. The second dimension is locational and refers to the investiture of authority granted to the institutions and persons that are entitled to interpret the sacred texts. In this way, the identification of authority becomes a matter of the position of the person in relation to the appropriation of religious symbols. The third dimension is associated with the functions of the sacred authorities that serve to bolster their positions of authority and to mediate among the different sections of the society (Eickelman and Piscatori, 1996: 58).

An emphasis on authority as a relationship between dominators and subordinators is provided by Beetham. He stresses the idea that authority is not only the possession of property or the control of some necessary social activity or skill, but also the relationship between the dominant and the subordinate. The main feature of the power relationship that establishes authority is specified by rules and creates a division between the persons who have the power to command and the persons who have to obey. Hence, authority constitutes both an aspect of power relations and a means of power in its own right. (Beetham, 1991: 49).

According to these definitions, one can specify some dimensions of the concept of authority: a) the possession of a mandate (Weber), the right to command (*de jure*) and the possession of knowledge, skill or expertise (in authority), associated also with sacred authority; b) the exercise of authority and c) authority as a relationship between dominators and subordinators organised around a set of rules, or the property created by rules and offices created by rules (an authority). Finally, a dimension implicit in these definitions is the idea that authority covers not only the dimensions already outlined, but

is also a relational concept in the sense that it is defined according to the perceptions of the people. In other words, following Arendt's definition, power is not originated by the holders of power but by the group of persons who regard them as authority.<sup>16</sup> This classification of the dimensions of authority is based on the perspective of the agent, for example by virtue of possession of mandate, right to command, possession of knowledge, simple exercise of authority (outcomes) and finally one that includes the two perspectives, authority regarded as a process organized through rules.

It is important to bear in mind that both the explanations about, and the dimensions of, power and authority provided here are general. Furthermore, power should not be conceived as static. It must take into account the specificity of the environment wherein authority is located and through which mechanisms authority is articulated, since each set of rules and authority is the result of the specificity of each society or political system.

Based on the dimensions of authority mentioned above, the *ulama* will be referred to as "in authority", because a) they have the expertise relating to the religious sources (Qur'an, *sunna* and *shari'a*); b) they are responsible for the exercise of authority through the proclamations of *fatawa* and their implementation on social policies; c) they have authority and exercise it according to both the religious rules that are the bases for social and political life in Saudi Arabia and also represent an "authority" because their authority is also derived from the offices that they occupy, for example The Board of Senior *Ulama*, Ministry of Education, etc.

For its part, the government has authority because a) it has the economic and political resources controlled by the offices that it occupies (with the title and office as king, the ministries, etc.); b) it exercises authority through royal decrees and

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<sup>16</sup> See also Green, Leslie (1988). *The Authority of the State*. (Oxford: Clarendon House).

subordinated institutions or agencies; and c) it works within an established framework of religious and political rules.

The examples presented in this study are found within the type of political system, which exists in Saudi Arabia as a Kingdom based on the Qur'an, *shari'a* and *sunna*. In terms of the interplay between the government and the *ulama*, it is noticeable that there is an unequal relationship between the *ulama* and the government in terms of the resources to which they have access. However, the relationship is also one of interdependence for the following reasons:

While the *ulama* have control over the religious interpretation and the application of the *shari'a* (*de jure* authority), the King has the material and political resources to enforce the law.

The King and the *ulama* are subordinated to the religious law, but while the *ulama* have the monopoly to interpret it, the government controls the resources to implement it.

Up to this point the conceptualisation of power and authority has been reviewed, but the means by which authority is created and recreated, or how authority can acquire more power has not yet been clarified. For these reasons it is important now to look at the process of legitimization necessary for the existence, maintenance and reinforcement of authority.

One of the most important theories about legitimacy is the theory formulated by Weber. Weber regards legitimacy as "the prestige of being considered binding" (Weber, 1992: 170), where people's beliefs establish the legitimacy of an authority and/or the legitimacy of power. The main features of these beliefs are that they can be based on the distinction between disinterested motives and self-interest. The first type of interest is conceived in three ways: a) affective terms, which is determined by emotions; b) rational terms as an "expression of ultimate values", which means when the beliefs are

based on the agreement of ethical, religious or another kind of values; c) religious terms, determined only by values coming from religion; and d) legal terms where the manner in which authority is acquired is recognised as legal. In the case of self-interest, there is a further consideration relating to the external consequences (Ibid. 26-28).

Lipset, following the path of Weber, conceives of legitimacy as “the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for society” (Lipset, 1984: 86). For him, whether or not the groups are regarded as legitimate or illegitimate depends on whether the system agrees with their values. But in order to produce and maintain legitimacy, he finds that the system needs to have effectiveness. This concept means “the extent to which the system satisfies the basic functions of government as most of the population and such powerful groups within it such as big business or armed forces see them” (Ibid. 88). In summary, he proposes that belief is the most important part of legitimacy, and that legitimacy depends on the relationship between government and governed, which can be sustained by the effectiveness of the system.

According to Beetham the reduction of legitimacy to a belief carries some misunderstanding. First of all, it misrepresents the relationship between legitimacy and people’s beliefs. Therefore, a given power relationship is legitimate not because people believe in its legitimacy, but because it can be justified in terms of their beliefs. A further reason may be adduced, based on the fact that there are aspects of legitimization that are not just beliefs but are an important part of legitimacy, such as legality or consent (Beetham, 1989: 10-12).<sup>17</sup>

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<sup>17</sup> One critique of Beetham’s observations is the one provided by Alagappa who succinctly refutes the Beetham’s arguments of the former, establishing that although Weber might not have developed a structure of legitimacy, but that does not make his observations invalid. Alagappa also reinforces the idea of belief as the element of law and consent, since both concepts need to be grounded in the beliefs of the people. Alagappa, Muthiah (ed.) (1995). *Political Legitimacy in South Asia: The Quest for Moral Authority*. (Stanford: Stanford University Press). p. 14. On the other hand, Cotrell also highlights the importance of values of stability and order as integral to the notions of legality that Weber failed to take into consideration. See: Cotrell, Roger (1983). “Legality and Political Legitimacy in the Sociology of

In similar terms to Beetham, emphasising an agreement with the norms, Barker outlines the key aspects, which make legitimacy political. Those aspects, he contends, are the ones sustained in the rights based on the institutions and procedures, although he concentrates on the holders of the authority. According to him, political legitimacy exists when there is a justification of a right to do specific and distinct things; the enforcement of command and the monopoly of such commandment. Second, the moral claim involved in political legitimacy derives either from the character of the institution or persons claiming or enjoying it, or from procedures which they follow in taking or exercising power due to the absolute character of such a claim sustained in normative consideration (Barker, 1990: 23).

Beetham in his analysis of legitimacy identifies three major dimensions of legitimacy: a) it conforms to established rules; b) the rules can be justified by reference to shared beliefs by both dominant and subordinate elements; and c) there is evidence of consent by the subordinate to the particular power relation (Ibid. 16-17).

The first of these dimensions, is related to the acquisition and exercise of power according to the established rules (these can be natural laws, customs or conventions). The second dimension of legitimacy is related to authority to the extent that the type of authority is the result of people's beliefs, which define what authority is legitimate, how power can be exercised, and how individuals possess power. Following the remarks of Alagappa about this dimension of legitimacy, it is important to consider that political institutions play a major part in determining the norms, resource allocation, and the social context for action and therefore they mould behaviour (Alagappa, 1995: 15). Consent, for its part, makes the relationship of power a binding force, introducing a moral component and creating a normative commitment on the part of those engaging in it. On the other hand, consent acts as a symbol of acknowledgment or public agreement

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Max Weber" in Sugarman, D. (ed.). *Legality, Ideology and the State*. (London: Academic Press). pp. 69-93.

with the powerful dominator. The way that consent is produced is determined by the social and cultural factors of a given society. According to Lipset, the effectiveness of the system can be regarded as the government's effectiveness based on the social values.

In analytical terms, it is also important to distinguish between the objects and sources of legitimacy. There are three objects of legitimacy: persons, positions, and acts; and three sources: property, endorsement, and authorisation. Persons can be legitimised through their own beliefs, which they call property, to the extent that they reflect the values of the group or society. The positions of actors can also be legitimised by the endorsement or group support of persons; and, finally, the acts are legitimised by persons who are more influential or powerful than those who exercise the acts (Walker, Thomas and Zelditch, 1986: 620-627).

It is important to emphasise that a person can be legitimate as far as his/her values are concerned, but it can happen that the positions or the acts performed may not necessarily be a source or manifestation of legitimacy, or that while a person may be lacking of legitimacy, this does not necessarily apply to either his/her position or act(s). These distinctions are important to keep in mind because they explain into a great extent, the origin and exercise of authority and legitimacy.

The main area of agreement among the foregoing scholars relates to the dimension of beliefs. However, disagreement emerges when one tries to assess this and to understand it as a relationship that is dynamic and interactive. But the solution proposed by Beetham, the agreement of the system of norms with the shared beliefs between government and governed, is useful, since, as has been established earlier, the issue of authority and legitimacy entails a relational approach. Power, authority, and legitimacy can not be solely the prerogative of those in power, but must also be considered in relation to society in general. Therefore the process involved in authority



and legitimacy make it necessary to look for an approach that explains how they are not only produced but also reproduced constantly by the society in general and by those actors who are in authority.

## **2.2. Different Approaches**

At the beginning of this chapter it was established, that in order to understand the relationship between *ulama* and the government in Saudi Arabia it is necessary to look for an approach that would consider these two actors as part of a political system. Also from the analyses presented earlier, both authority and legitimacy have to be the focus, as they represent a relationship that involves not only the authorities but also society in general.

In the subsequent sections different approaches are examined. An approach that it is relevant to consider is the systemic approach, the bases of which are grounded in structuralism and functionalism,<sup>18</sup> as perspectives that attempt to define the variables that are included in every political system.

In the following sections two representative works which take this approach to the political system are explained, namely the works of Easton and Deutsch, and also of Apter's work. The way in which these approaches provide an explanation of the political system, by outlining the variables at stake, is examined. The configuration of power and the issue of legitimacy are also considered here, as being issues that are at the centre of any political system. These approaches attempt to analyse the stability of

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<sup>18</sup> Structuralism is the study of reality in terms of the wholeness of the units, trying to understand the elements of the units, the relations among them and their contribution to the integration of the unit. Functionalism tries to focus on the whole units through the study of the function or behaviour of the parts, in terms of interdependency and differentiation. Moore, Wilbert E. (1978). "Functionalism" in Bottomore, Tom and Robert Nisbet (eds.). *A History of Sociological Analysis*. (London: Heinemann). pp. 321-361.

the system, and consequently to gauge the likely endurance of legitimacy and authorities in a political system.

This attempt to bring together an explanation that links the structure and agency debate is based on the theory of structuration advanced by Giddens and by his explanation of the role of agency in creating and recreating structures and social systems. The notion of rules and their importance for the establishment of a relationship describing and informing authority and legitimacy is presented from Giddens perspective as well as from those of Onuf and Sewell.

### **2.2.1. The allocation of values**

The significance of Easton's approach to understanding a political system lies in the fact that he acknowledges the importance of legitimacy and stability as the main variables that define such a system. Therefore in order to locate Easton's conception of legitimacy it is necessary to understand the components of the political system and their relation to the issue of power, authority, and legitimacy, emphasising at the same time the theoretical and methodological implications of his proposal.

Easton defines a political system as those interactions through which values are authoritatively allocated for a society (Easton, 1965: 21), distinguishing three main components: authorities, regime and political community. The authorities are considered to be the main gatekeepers of the system.<sup>19</sup> The regime includes the procedures and rules of the system and is composed of values (goals and principles), norms, and the structure of authority. The political community is the group of persons who share a division of labour, supported by positive feelings regarding the group, for the settlement of political problems (Ibid. 183-184).

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<sup>19</sup> Deutsch also considers the authorities as the main component of the system. Deutsch, Karl (1974). *Politics and Government. How People Decide their Fate*. (Boston: Houghton Mifflin Company). pp. 238-243.

The allocation of values is determined, according to Easton's theoretical perspective by the structure of the system. "Structure on the one hand includes the interrelationship between all political roles, and on the other hand, such goal-oriented collection and combinations of roles as are embodied in groups and organisation" (Ibid. 86). Therefore, the allocation of values is determined by the interaction between the components of the political system, the role that they perform, and the values that determine those roles.

According to Easton's perspective, the structure is a constraint for the participation of the components of the system and is given by the role performed by the components of the system. In the case of structures of authority, these are determined by the limits of their roles. The same applies to the regime and community, where everything is ruled (and each component by itself has to be limited) according to the values. In this regard, Easton presents a notion of power over someone or something, defined by the roles performed by the main actors of the system (Ibid. 207).

The creation of inputs (demands from the community) and outputs (policies directed to the community) is the central feature around which Easton's political system revolves. His view of stability is based on the maintenance of balance between the inputs and the outputs that are processed by the authorities. This process of inputs and demands is the auto-regulation feature of the system, and is the reason why the balance of this process is important for the maintenance of the system. While Easton considers that the balance between inputs and outputs is necessary to maintain the stability of the system, Deutsch goes further by analysing the issue of government performance according to its dimensions: efficiency —making an outcome more likely to happen— and effectiveness —the ratio between change in the probability of the outcome and the costs incurred in producing it (Deutsch, 1974: 240).

Support for a political system is the linking variable between the system and its environment, since it serves to underpin the components of the system: authorities, regime and political community. Without support,<sup>20</sup> the authorities would be unable to process the demands, it would be impossible to achieve a degree of stability, and the community would lack cohesion (Ibid. 157).

Easton points out that legitimacy is paramount for the maintenance of support, since legitimacy is the only aspect that endures over the long term and contributes to strengthening support for the regime. This understanding of legitimacy coincides with Weber's definition of legitimacy. Easton advances a conception of values around which the political system revolves, conferring on the leadership the role of appropriating the values. The latter represent the relationship that exists between government and governed. Easton classifies legitimacy in three forms: ideological, structural and personal, each according to their "purpose".

Ideological legitimacy relates to the moral values concerning the validity of authorities and the regime. In the case of authorities, the ideology will reflect the ethical principles that justify the distribution of power, its use and its limits, stating the responsibilities of the persons involved in the relationship(s) of power; that is to say, in the rightness of the authority. Easton emphasises that the question of why members of the system obey is the most useful dimension of compliance, since it is necessary for the maintenance of the stability of the political system. The same is true when ideology relates to the regime, since this refers to a belief in the rightness of the norms and structure of the use of power (Easton, 1965: 292-293).

Structural legitimacy is the validity of the roles in accordance with the norms of the regime and its goals. The legitimacy of authority is determinant for the creation of

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<sup>20</sup> There are two kinds of support. Specific support is related to a particular output and is dependent of daily life. Diffuse support is the one that is considered as a reservoir which is invoked in times of stress and prevails in the long run. Easton, D. (1965). *A System Analysis of Political Life*. (New York: John Wiley and Sons Ltd.). pp. 273-274.

diffuse support, which can contribute to the maintenance of the legitimacy on the long run. The third type of legitimacy, personal, refers to the occupants of the roles of authority and is explained in terms of personality, behaviour and symbolic connotations in accordance with moral values.<sup>21</sup> Deutsch's view coincides with that of Easton regarding the types of legitimacy, but he goes further and highlights the importance of legitimacy by results.<sup>22</sup>

The important elements of Easton's approach are the identification of the main components of the political system, such as authorities, regime, and political community. His approach assumes a conception of power over someone or something, where the distribution of power includes both authorities and regimes, and where the community's only role is the formulation of demands and the expression of support or lack of it towards the outputs of the regime and authorities.

The way in which Easton and Deutsch conceive legitimacy in structural terms is important, but it is also necessary to look at legitimacy and authority in terms of a continuous process that is in constant elaboration. Easton, in particular, emphasises the issue of rules and roles, but once these are defined, they remain static.

### **2.2.2. Between functions and structure**

The basis of Apter's approach lies first of all in the distinction between structure and functions, and, secondly in how these two levels operate in the political process. He agrees with Easton on the importance of legitimacy and authority for the understanding

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<sup>21</sup> Hudson has discussed the crisis of legitimacy in the Arab political systems, following the classification of Easton. See Hudson, Michael, (1977). *Arab Politics: the Search for Legitimacy*. (New Haven and London: Yale University Press). For a discussion about the issue of legitimacy in contemporary Arab regimes, based on Hudson's remarks, linking the impact of the recent policies of economic liberalisation and its effects on regime legitimacy, see Murphy, Emma (1998). "Legitimacy and Economic Reform in the Arab World" in *The Journal of North African Studies* 3, (3): 71-92.

<sup>22</sup> Deutsch conceived three different types of legitimacy: by procedure, according to the validity of the procedure to attain an office or position (according to the typology of Easton this will correspond to legitimacy of a regime); by representation meaning the representativity of the authorities with the political community (into some extent this also can correspond to personal legitimacy); and by results. Deutsch, *Op. Cit.* pp. 15-18.

of a political system. However the main difference between the approaches of Easton and Apter is the dynamics underlined by the latter. His aim is to understand how a political system establishes authority, has stability, and increases efficiency, and he achieves this by focusing on the government as the main component of the system. In this way, his perspective takes the government as a point of reference in the explanations of the systemic variables. In this section a consideration of the main components in Apter's approach to a political system is presented, emphasising the important issue of consumatory values, the use of coercion and the availability of information,<sup>23</sup> as the defining variables for the legitimacy of the government.

The assessment of Apter, through his reference to modernisation, is grounded in a normative approach that explains how policies are implemented according to the values of the society. He states that modernisation is a matter of choice, and that the particularity of modernisation is considered according to the values of the society (Apter, 1965: 1). To understand why and how particular choices are made, it is necessary to analyse the motivation and symbolic behaviour that influence a decision in the direction of a particular choice.

The government is the main enforcer of decisions, since what the government chooses has implications for all members of the society, as opposed to the choices of individual groups. However, the government's choices are limited according to two kind of values, the consumatory and instrumentalist. These values will lead to what Apter calls structural and functional requisites, and structural and contingent functions, and are in his view the defining axis for the conformation of the political system.

Legitimacy in this context is based on consumatory values, solidarity and identity, and the contingent functions. He defines solidarity as the shared feelings that

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<sup>23</sup> Apter formulates a typology based on the structural, differences, in terms of behaviour and the type of values orientations. He establishes the model of secular libertarian authority and the sacred collectivity and then their subtypes. See Apter, David, (1965). *The Politics of Modernisation*. (Chicago: Chicago University Press). pp. 22-33.

give the members of a group a sense of mutual responsibility; while identity is the definition of individuals as to the character of their relations with one another (Ibid: 240). But in order to maintain legitimacy, these values have to be reinforced according to the contingent functions given by the assessment of the viability of the government by the society in relation to the source of social norms, the synthesis between past and present and the delimitation of membership of the community. Therefore if the government fails to fulfil one of those functions, legitimacy will be eroded.

Apter links government and society in a unidirectional way, focusing more on the actions of government towards society than trying to assess the dialectical links established by both elements. This can be appreciated from his explanation that the functional requisites of the government, such as information, will be based on "knowledge of the limits within which the public will support action" (Ibid. 238). Another requisite is coercion; this function is used when there is no information, when the government wants to prevent information, when knowledge from previous decisions has been ignored or when there is a conflict between the two types of values (Ibid. 239). The combination of the grades of coercion and information determines the types of authority in a system.

The structure of authoritative decision-making, a pattern for making legitimate decisions (regarded by the society as legitimate) must be answerable to a group other than itself. This last requisite is connected with the control that the government exercises over other groups in society. Again the mixture of these two will produce different systems as regards the degree of information and coercion.

Apter sees the interaction of the society with the government, predominantly in structural terms. The contingent structures of the government represent the dimensions of viability and efficiency. These substructures of the government are constituted by political recruitment, enforcement and punishment, resource determination, and consent.

The first, political recruitment means the way in which individuals become part of the government, and the stratification in the political hierarchy. The second, enforcement and punishment, relates to the way in which the law is applied or is contravened. The third substructure, resource determination and allocation, relates to the means by which resources are deployed by the government in society. Finally consent refers to the assent given by social groups (official or unofficial according to the country) toward a ruling before it becomes binding (Ibid. 246-247).

This way of understanding the system is comprehensive, since Apter tries to capture not only the structure, but also the structure's relationship with functions. This produces a means of assessing values as a reflection of the synthesis whose creation is being sought. The values in Apter's work are the point of reference of the variables that he identifies. But he does not establish the means whereby values are generated and maintained. Similar to Easton, he does not address properly the nature of society or political community, because he concentrates more on the structure.

It has to be noticed that structuralism does not take into account agents and their impact on the relationships in the system, rather it focuses more on pre-deterministic ideas about human history and the lack of impact that an agent can have. The critics of functionalism state that this approach offers only a pseudo-explanation, since there is a lack of recognition of the complexity of the process. The evolution of state structures, in the latter perspective, results from the interplay between structure, strategy and struggle (Marsh and Stoker, 1995: 194-195). Another important criticism of structural-functionalism is that the interdependence of the units is taken for granted, without considering the unequal effect that a bad performance of one unit may have on the rest of the units. (Mitchell, 1965: 476-477).



### **2.2.3. The duality and the rules**

An alternative answer to the problem of the separation between structure and agency is Giddens' proposals in his structuration theory. This approach aims to explain that the agent is an active participant and not only a receptacle of functions or roles, in contrast to the assumption of structuralism and functionalism. Structuration theory links structure and agency, contending that social structures are both constituted by human agency and at the same time are the very medium of this constitution (Giddens, 1976: 121). Structuration theory has as its main focus the notion of agency and action that create and recreate social systems, explaining the recursive character of social life. Every act of production is at the same time an act of reproduction and the structures that enable the actions are at the same time reproduced (Thompson, 1989: 58). The task in this section is to provide some insights into this theory with the aim of advancing the understanding of authority and legitimacy as a process of continuous reproduction. Firstly, the notion of agency is explained, as one of the main pillars of structuration theory, followed by Giddens' conception of the social system and its features. It is important to emphasise that structuration theory is grounded in the major debate taking place within the social sciences, not only as a challenge to structuralism or functionalism but also as the synthesis between different approaches in social science, such as phenomenology and hermeneutics. Secondly, in order to advance the understanding of authority and legitimacy as a process, which is determined to a great extent by the existence of a relationship based on rules, Giddens' conception of rules and the criticism made by Sewell and Onuf are analysed.

Giddens argues against the determinism of structuralism, presenting a notion of agency where the individual is more in charge of her/his own destiny, and where social practices are at the centre for the creation and reproduction of social life across time and

space. He concentrates largely on highlighting the skills and knowledge that human beings possess and manage in their daily activities.

The agency or agent is regarded as any human being, able to realise certain processes such as rationalisation of action, reflexive monitoring and the motivation of action. The rationalisation of action is the process whereby individuals maintain a theoretical understanding of the grounds of their activities (Giddens, 1984: 5). In the same way, Giddens ties his notion of agency to the process of reflexive monitoring which involves the ability of the agent to monitor his or her own activities as well as those of others (Ibid. 3). Regarding the motivations of the agents, there are three levels of analysis: discursive consciousness (what is said), practical consciousness (what is done), and unconsciousness. The first two levels are the most important, since they are the ones in which most people realise actions and monitor their conduct (Tucker, 1998: 81).<sup>24</sup>

The features given to agency reflect the importance of the agents in creating and recreating social systems through their daily life. The process described earlier is the base that the agents use to determine the course of their actions. This means that agents accumulate during continuous interactions what Giddens calls mutual knowledge, which allows the agent to discern among the different ways of proceeding in different situations. This type of knowledge is pragmatic and most of the time is taken for granted, but it serves to inform the agents of ways in which social practices can be undertaken. These notions of storage of knowledge are very particular to each society, because the members of each society have different ways of dealing with daily life (Giddens, 1984: 22).

The enactment of daily life by agents reproduces the structure and the social system. Giddens goes a step further than structuralism and post-structuralism,

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<sup>24</sup> For a consideration of the temporal dimension associated with agency see: Emirbayer, Mustafa and Ann Mische *Op. Cit.*

contending that “structures are a virtual order, that only exist at the moment of instantiation (at the moment of the action) and as memory traces them” (Giddens, 1984: 17). Structures are conformed by resources and rules that contribute to the production and reproduction of social practices (duality of the structure), being both a constraint and enabler of those processes. Meanwhile, social systems are “the situated activities of human agents, reproduced in time and space” (Giddens, 1984: 25). If one can not identify the structure, one can nevertheless identify the structural properties of the systems which are recursively implicated as both a medium and outcome of the social practices. Hence there are two properties: structural principles, which are those that remain for the reproduction of social totalities, and institutional principles which are conformed by the social practices that remain for a big span of time and space (Ibid. 17). An example of the first is the principles of capitalism that Giddens identifies as labour force and capital; an example of the second would be marriage as an institutionalised practice. As can be seen, Giddens bases the differences on the theory of systems and functionalism with its idea of structure and system.

Rules and resources are at the core of the production and reproduction of the structure. Rules are the procedures relating to daily life and must not be confused with the laws, which are interpretations of the rules in codified form. Giddens stresses the importance of rules in daily life, since they help the reproduction of daily life on the one hand, and on the other are created from those practices. Therefore, the importance of mutual knowledge goes together with the creation and recreation of rules through social practices and their maintenance as regularised practices. It is in this way that the agent participates in the creation and recreation of the norms and therefore of the structure. The resources are considered to be of two types: allocative resources (command over materials) and authoritative resources (command over people).

Also related to the issue of agency is the question of power and its link with command over resources. According to Giddens, there are two ways of regarding power. The first is as a relational conception, and the second concerns ability and resources to act. Power, in the context of this perspective, has a transformative and relational dimension, since action is tied to the exercise of some sort of power. The transformative dimension refers to the actor's ability to affect the development of an event. Even in cases where there is no action the agent still can influence the power of other actors. Securing an outcome through others' actions is the relational dimension (Giddens, 1984: 14-15; 1993: 214). As can be appreciated, Giddens agrees with Bacharach and Baratz regarding the two faces of power, but he goes further in explaining the duality of power: "resources (focused via signification and legitimation) are structured properties of social systems, drawn upon and reproduced by knowledgeable agents in the course of interaction" (Giddens, 1984: 15).

In contrast with the perspective of functionalism on the issue of power, where the differentials of power are not taken into account, Giddens emphasises the importance of the distribution of power and the negotiable character of it. This notion of power is the base for his dialectic of control, where he recognizes that certain actors will have more access to certain resources than others, but the subordinates nevertheless will also have resources that will allow them to contest those actors.

In the analysis of the structural properties of social systems, Giddens recognizes three main structural properties associated with rules and resources: signification, domination and legitimation. These three types of properties are interrelated. The signification structure is related to the theory of coding, and presupposes the role of power, where domination sets the framework for codes of signification (Ibid. 33). He adds that the symbolic orders and modes of discourse pave the way for an institutional ideology, defined as "those asymmetries of domination which connect signification to

the legitimization of sectional interest" (Ibid.). The third type of structure is the legitimization that Giddens associates with the legal order. He departs from the Weberian notion, which sees the legal order being passive and objective. Structurationist legitimacy is conceived as being an active engagement in the production of compliance (Cohen, 1989: 184). Having established the connection among the three types of structure, Giddens points out that the content of the structure of domination based on allocative resources and authoritative resources contribute to the generation of institutional orders as political and economical institutions.

Despite the criticism of structuralism and functionalism, Giddens accepts the notion of the integration of the system and the reproduction of structure as the flow over time and space of the social practices. However, Giddens regards conflict as the cause of the system breakdown. Cohen, following the former, emphasised the notion of change or transition in a society because the conflict (Cohen, 1989: 267-273)

One of the major criticisms of Giddens's perspective is his treatment of structures and specifically of rules. Since authority and legitimacy are understood as relationships based on norms, it is important to consider the criticisms provided by Sewell and Onuf. The notion of structure being composed of resources and rules, according to Sewell, is based on a misunderstanding. Although structure and rules have a virtual existence, resources are not virtual. Allocative and authoritative resources have an actual existence. Therefore it is necessary to recognise structure and rules as virtual, since they are reproduced by the continuity of social practices. But while the components of the structures are dual, rules and resources are interdependent on each other, since the rules are the result of the manipulation or possession of resources. At the same time resources are the result of rules, as rules determine possession and the way resources are used. In this way, the distribution of power has to be considered as a medium created and recreated by cultural rules (Sewell, 1992: 11).

In a similar way, Onuf criticises the lack of explanation in Giddens' account about rules and its relation to resources. Rules determine the allocation of resources, in the same way that rules constitute resources. Onuf considers that Giddens should identify the importance of rules in the creation and maintenance of structures of domination (Onuf, 1989: 63-65).

The predominance of the rules as a linkage between agent and structure is the alternative proposed by the constructivist approach, in order to overcome the problem between agent and structure. Identifying the lack of explanation in Giddens' structuration theory on how agents and structures constitute each other, constructivism emphasises the role played by the rules (Gould, 1998: 80). Although constructivism is anchored in similar bases to structuration theory, since the duality of the agency is at the core of this approach, it departs from structuration theory in considering rules as the medium through which society is reproduced. According to Onuf, the duality set out by Giddens is in fact a double duality since it refers to the duality of the structure in reference to the transformation of relations, and the duality of the systems in relation to the reproduction of relations (Onuf, 1989: 61).

Onuf contends that any human being acts in order to achieve goals, and the rules are the ways by which social actors identify those goals. Agency is considered as a social condition (also stated by Giddens), where the agent rationally decides among the various options that are presented by the rules. Hence acting is constructing and reconstructing the world. But the action is organised by the rules, which at the same time affects the ways agents may act. In this sense, Onuf regards the relational feature of the rules as being in the middle ground between structure and agency. Rules create structure and create agency; in contrast to Giddens' conception of rules as part of the structure.

Social practices, therefore, revolve around rules, creating, following, rejecting or changing them. In other words, social practices form the content of the rules and their maintenance (Onuf, 1989: 52). Onuf identifies three main types of rules. Firstly, rules as principles inform the agent about the ways things are and work, and at the same time, state the consequences that will ensue if this information is not followed. The second type is the so-called instruction and directive rules; the former telling the agents what they **should do** with information, and the latter telling them what they **must do**. The third type of rule, commitment rules, refers to those that establish the rights and duties of an agent(s) in relation to other(s). Rules are constitutive and regulative at the same time, transcending the classification of functionalism, since they are normative (telling the agent what should be done) and doing is constructing. Depending on the frequency of their practice, rules can be formal, becoming predominant over others, or can become legal (Onuf, 1998: 68-69).

The rules have different effects, and practices can form a pattern (never fixed) of agents' intentions called institution. In other words, institutions involve social practices, as in the case of Giddens' theory. But rules have another effect, since they can affect or limit other agents' choices or actions, based on the existence of asymmetric relations. This asymmetry indicates that some actors will use some rules to obtain advantages over other agents, describing this as the condition of the rule (Onuf, 1998: 63). And finally, since rules determine the limitation of others actors' goals or acts, Onuf then establishes that the agent does not enjoy full autonomy or full independence, since this is limited by others in the course of social relations.

Up to this point, and tested against the determinism of structuralism, functionalism and systemic theory, the approach of structuration theory has demonstrated the importance of the agent as an active part in the creation and recreation of structures and social systems. In the long term, in any political system, the recursive

character that pervades all the notions of structuration provides the key to the importance of the social practices of daily life as determinants of the creation and recreation of authority and legitimacy. The discussion about the role of rules *vis-à-vis* agent and structure shows, firstly, how rules determine the realisation of actions by the agents, who are also their creators, and secondly, how important rules are for the constitution of structure. The creation and recreation of rules is therefore important for the maintenance and reproduction of forms of authority and legitimacy, according to the rules of each society.

### **2.3. Understanding the Saudi Arabian Political System**

The study of the system as whole, where the parts are arranged not only in terms of distribution of power but also within the principle of self-regulation, allows the identification of the units and their role in the maintenance of the system within the terms drawn up by Easton. On the other hand, according to Apter, the relationship between government and society is the main axis to generate the stability, efficiency and, in this way, the legitimacy of the system. The values, which the authorities and society invoke, are an integral part of this relationship. The analysis of political systems through the different approaches examined in this chapter shows the different variables that must be considered to arrive at an understanding of every political system and the processes of authority and legitimacy. Therefore, a basic starting point is a definition of power, not limited to the structural level, but as something that is both structure and agency. Using Onuf's methodological proposal, the point of departure has to be the rules that regulate daily life, and from them one can move either to the structural level, agency or both. In this way, the religious and the political authorities are the main



generators of rules, or at least of their interpretation. At the same time society, in general, creates and recreates the rules in daily life, as stated by Giddens and Onuf.

It is important now to examine the approaches used to define Saudi Arabian political system. Wenner and Long focus on the monarchical character of the structure of government. These scholars have arrived at their conception of the Saudi monarchy, mainly, by contrasting it with its Western counterparts, emphasising the questions of religion, tribalism and the nature of the power of the monarch, and pointing out that these features are not found in European monarchies. (Wenner, 1975: 173; Long, 1994: 91). Others, such as Luciani, prefer to focus on the determinacy of the economic aspect in politics, emphasising dependence on oil in the form of rent (royalties) and the authoritarian internal administration (Luciani, 1990: 76).

Mordechai bases his study on an analysis of the royal family's power. He conceives of the Saudi Arabian political system as being an oligarchy whose pillars are the Saudi family, the *ulama* and the *umara* (pl. of emir), particularly after the death of Abdul Aziz. In his view, the modernisation programme has consolidated the concentration of power of the royal family to the detriment of the *ulama* and *umara*, and even the appearance of entrepreneurs, bureaucrats and the middle class, in general, has not altered the predominance of the royal family (Mordechai, 1990: 155-158).

The most common description of the Saudi Arabian political system is as a theocracy,<sup>25</sup> but as Al-Rasheed points out, this definition focuses only on the historical alliance between Wahhabism<sup>26</sup> and political power, which is important in terms of the spiritual-ideological foundation of the regime, but ignores other characteristics that give peculiarity to the Saudi Arabian state. She maintains that the amalgamation of Islam, tribal loyalties, identities, and differences among the three main regions is the basis of

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<sup>25</sup> See Salamé, Ghassan (1987). "Islam and Politics in Saudi Arabia" in *Arab Studies Quarterly* 9, (3): 306-325.

<sup>26</sup> Locally known as the call to recognition of the unity of God, based on the main principle of their creed, *tawhid*. See next chapter.

the Saudi society values, which are not imposed from above. These factors are shared between government and society and are the basis for political behaviour, while at the same time constituting its constraints (Al-Rasheed, 1996c: 96-119).

The most recent analysis of the political system is that presented by Fandy. He uses the concepts of familialism (*a'iliyya*) and kinship (*qaraba*) relations as a way of explaining the allocation of values and the social practices in Saudi Arabia. The connotation of the term familialism is more than just the idea of tribes linked to genealogical ties; it denotes the ideas of responsibility, accountability and interdependence. These notions, according to Fandy, are found in all the aspects of Saudi political system and play an important role in determining societal membership and social cohesion (Fandy, 1999: 24). The fact that a prince is directly responsible for the maintenance of one hundred families has many repercussions. The families are dependent not only in formal terms (the source of job) but also in terms of the provision for education, jobs or any other important service related to the welfare of the families. Most of the time the relationship with the princes passes from generation to generation, keeping the links between the princes and the families. It is in this way that the power and distribution of welfare pass from the inner circle of the royal family to the basic level of Saudi society (Ibid. 30).

In an attempt to build on these approaches, it is important to emphasise that power is not only the product of its distribution in the structure, but is also the outcome of activity by the agents. A distribution of power would not work if it could not be sustained in the social practices of the social system to which it belongs. Therefore, the system of familialism and *qaraba* relations proposed by Fandy, and the integration of the different aspects encompassing the political system according to Al-Rasheed, provide a useful basis on which to build. They bring in the local features of the Kingdom and at the same time place emphasis on the role played by agents.

The following analysis concentrates to a major extent on the institutional level, identifying the practices and norms that have acquired formalisation over the course of years. Consequently, the next section will analyse and describe the regime, through the study not only of the authorities but also of the institutions, in order to discover how power relationships are practised and affect the legitimacy and authority in the system. After this a study of the political community is presented, identifying the main actors and the channels between government and community.

### **2.3.1. The regime**

The current Saudi Arabian regime is a reflection of the history of the Kingdom, where Islam and bedouin society played, and still are playing, important roles as the bases of the system. At the level of authorities, the values of Islam and bedouin society determine, to a great extent, the norms that regulate the structure (principles and institutions) and the agents in the social system. In this regard, the regime is a mixture of tradition and modernisation, and has to find its way within the increasingly complex framework that is expected of a modern state. At the societal level, what Easton refers to as the political community, the norms are necessary to explain how the system is reproduced and the account for the ways in which society and government establish a relationship.

The foundation of the Saudi Arabian Kingdom is very closely interconnected with Islam. The alliance between Muhammad ibn Saud and Mohammad ibn Abdul Wahhab in 1745 gave birth to the religious and political movement known as Wahhabism. This movement was of pivotal importance in enabling the Al Saud family to gain control of the regions that today form the Kingdom. Moreover, from the point of view of religion it is important that the two holy cities of Mecca and Medina are part of the Kingdom, since these reinforce the commitment to adhere to the observances of Islam.

The foundation of the state is inextricably intertwined with religion and is the reason why Islam is the main source of legitimacy for the government in particular, and for the system in general. Qur'an, *sunna* and *shari'a* are the essential guides for the regulation of daily affairs in the Kingdom. All members of Saudi society, including the King, are subject to Islamic law. In appearance it seems that the Kingdom is a very conservative country, but in fact it is known for its ability to react to change and to cope with modernisation, balancing with the traditional elements of the system. Piscatori points out that, in the case of Saudi Arabia, modernisation has been compatible with Islam (Piscatori, 1980: 321); and Niblock shares this view. Furthermore, Niblock also observes that the modernisation process experienced by Saudi Arabia has produced the consolidation of traditional forms of authority, since the parts of the social structures that are called "traditional" have been accommodating the modern economic development and thus reinforcing the existing patterns of authority relationships (Niblock, 1982: 75-76).

The foundation of the Kingdom also meant the subjugation of some of the tribal groups of the Arabian Peninsula. The Al Saud today is the product of the different marriages with daughters of tribal emirs, which was a way of consolidating alliances between the House of Al Saud and extending its domination and influence. In spite of the process of urbanisation initiated in the 1960s, tribal values remain an important part of the political process.

The sense of identity in terms of tribal affiliations or settled people is a feature of Saudi culture, which continues to influence considerably social relations among different groups. The inclusion and exclusion in social relations is bound up with the idea of a closed identity with marriage offering the example of those practices —where a bedouin tribal group will reinforce its identity by excluding the marriage with settled people, and vice-versa. Pride and shame are connected to this practice, since marrying a

family member within the same social group is a cause of pride, while a mixed marriage would isolate the couple from the family and group ties, as it would be considered as an act of shame.

It is also important to stress that even today, at the governmental level, many aspects of the consultation process are derived not only from Islam itself but also from tribal customs and practices. As Joseph Kostiner establishes, the tribal values compensate both for the creation of a formal and unfamiliar bureaucracy and for the absence of political parties (Kostiner, 1990: 245).

In general terms, the state plays a central role in shaping the structure and dynamics of political life in Saudi Arabia. As mentioned above, the state is still a mixture of traditional bases (religious and tribal roots) and modern elements, generated through the creation of economic development and as a response to the integration of the Saudi Arabian economy with the world economy. The Al Saud is without doubt the main actor in the political system. There is close identification of the family with the state and, of course, the name of the country is taken from the name of the family.

The main authority of both the political system and the regime is the King, based on the figure of tribal chief and Imam. The King is formally the main receptacle of power, since he is the Head of State, Prime Minister, Commander of the Armed Forces and also holds the titles of Leader of Saudi Tribes, Guardian of the Two Holy Cities and *Imam al-Muslimin* (religious leader of Muslims). His control over resources, authoritative and allocative, is considerable. He has the right to nominate his cabinet, to appoint the members of the Council of Ministers (since its creation in 1953), the Consultative Council (created in 1992), and the top *ulama* (since 1971), and in addition has the authority to produce royal regulations that do not come within the scope of the Islamic law. This latter prerogative is very important because it was the main tool used to advance changes at the structural level, especially those concerned with the

modernisation programmes. The consolidation of those government structures was carried out mainly during King Faysal period.

The second group of actors considered here are the *ulama*. They, too, are related to government structures as they are in continuous interaction with society in order to regulate the daily life in the Kingdom. Consequently, there is a distinction between the official *ulama* and non-conformist *ulama*. The basic distinction is that the official *ulama* occupy positions at the institutional level, whereas the second group performs the traditional activities of an *alim* with no link to the state authorities. This will be studied in the following section.

In respect of the role that they play on the institutional level, the *ulama* still have a direct and privileged access to the highest locus of decision-making (Korany, 1991: 330). This can be seen by examining the institutions that are under the *ulama*'s jurisdiction.<sup>27</sup> First, they participate in the institution called *Ahl al-'aqd wa al-hal* (those who loose and bind), which is in charge of the legitimation of the King's succession. This institution played an important role in the legitimation of King Saud's deposition and the election of prince Faysal in 1962 as King.

The Board of Senior *Ulama* (*Hay'at kibar al-ulama*) is without doubt the principal organisation of the *ulama*. The council was established in 1971, during King Faysal's reign. By Royal Decree the King nominates its members. The Council is responsible for issuing the most important and sensitive *fatawa*. In parallel there are other institutions related to this Council like the Higher Council of *Qudat*, and the Institute for the Issue of Religio-Legal Opinions and Scientific Research (*Dar al-Ifta wa'l-Ishraf 'ala al-Shu'un al-Diniyya*), among others.

The Institute for the Issue of Religio-Legal Opinion supports the Board of Senior *Ulama*, and was set up in 1953. Its main responsibility is for issuing *fatawa* in

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<sup>27</sup> This will be analysed in the fourth chapter.

order to regulate daily life, as well as to propagate the Wahhabi doctrine at home and abroad through the publication and distribution of publications. Also, its range of activities covers the sponsorship of conferences and research projects, and the training of preachers in order to achieve the spread of religion abroad. The symbolic consequence of the publication and distribution of religious texts is the projection of the country's role as the propagator of Islam, as well as the reaffirmation of its identification with Wahhabism (al Yassini, 1986: 71).

The top *ulama* are in charge of the Ministry of Justice (composed mainly of *shari'a* courts and the High Judicial Council), which was formed in 1971, as mentioned earlier, under the jurisdiction of the Council of Ministers. The administration of justice is divided into three levels: the Summary Courts, the *Shari'a* Courts and the Supreme Judicial Council. The first type of Court hears mainly cases of major crime offences. The *Shari'a* Courts are those that deal with more serious offences regarding criminal and financial acts, but they also cover issues regarding personal status. These courts are presided by one judge in cases of civil order and for criminal offences a panel of five judges is required (Vogel, 2000: 90). Finally, the Supreme Judicial Council is composed of twenty members and constitutes the authority to hear the cases of appeal.

Another institution that is part of the Ministry of Justice is the Board of Grievances. Originally the idea behind this was that the King could receive directly the complaints of his subjects and their demands. Nowadays, this function and idea has acquired the status of a board, which hears not only grievances from the citizens to government, but also deals with the conflicts between various ministries and departments in different government institutions. In addition, it mediates in disputes, which require either royal decrees or new initiatives based on the Qur'an, *shari'a* and *sunna*.

The *ulama* are also in charge of the Ministry of Education (including the general presidency for the education of girls and the supervision of the Islamic University, Umm al-Qura University and Imam University), which was incorporated into the Council of Ministers in 1953. Another institution under the *ulama*'s control is the *awqaf*, which in 1953 became the Ministry of Pilgrimage and Endowments, and which subsequently assumed control of the Qur'an Printing complex and the Kiswah factory.

The *ulama* are in charge of the Committee for the Commendation of Virtue and Prevention of Evil (*Hay'at al-amr b'il ma'ruf w'al-nahi 'an al-munkar*). This Committee has an important function relating to the social life of the Kingdom, who is responsible for the enforcement of public morality in accordance with Wahhabi principles. The religious police, as they are known, are responsible for supervising the correct application of and respect for Islamic law. Although their power has varied at times, generally speaking, they can imprison and punish people who do not follow the correct practice of Islam. For this reason, they can be considered as the executive arm of the *ulama* and also a kind of censor of the system. The religious police come within the jurisdiction of the Interior Minister, but they have their own administration whose senior official is an *alim* with the rank of minister (Ibid. 70).<sup>28</sup>

Some of the members of the upper social class are involved in the political system as ministers and, therefore, to a certain extent have access to the centre of decision-making. In the Kingdom there are two major administration-related Councils; the Council of Ministries and the Consultative Council, established in 1953 and 1991 respectively. The former consists of 27 ministries, among which the most important are: the Interior Ministry, the Foreign Affairs Ministry, the Ministry of the National Guard, the Ministry Defence and Aviation and the Ministry of Oil. Due to their importance, these ministries are under control of the royal family. Since the creation of the Council

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<sup>28</sup> An analysis of the evolution of the institutions considered here is presented in the fourth chapter.



of Ministries the main positions have been held by princes, but currently there is a tendency to give access to "commoners". Important exceptions are the Ministry of Finance and National Economy, and the Ministry of Petroleum, both of which have been headed by commoners.

The Council is responsible for implementing the policies set out by the King (royal decrees and orders), formulating regulations within the "secular area". These are related mainly to economic programmes (approval of the annual budget), industry, planning and commerce (concession and monopoly contracts granted to individual companies, the formation of stock companies and the authorisation of foreign companies to operate in the Kingdom), and range from the national to the local level. It is also the Council that ratifies international agreements and treaties of the Kingdom with foreign countries (Huyyete, 1985: 85; Al-Farsy, 1990: 43-48). The decisions of the Council, however, are subject to the approval of the King, who is President of the Council.

The Consultative Council was established in 1992, as part of the reforms known as the Basic System of Government, and its members are appointed by the King. Members are drawn mainly from the upper class. According to the terms set out in the decree, the King has the prerogative to renew the membership. The members of the Council are not members of any other government institution. The ninety members, who have been chosen until now have been civil servants, businessmen, and the religious establishment, appear to represent a cross-section of the Saudi elite (Gause, 1994: 109). The task of this body is to monitor the performances of the ministries, and it has the right to ask for the attendance at the Council sessions of any minister or governmental official. It can only recommend regulations, or amendments to draft regulations, to its president, who conveys them to the King. The basic system of

government also contains regulations related to local administration, allowing the formation of local councils.

As has been seen, the regime in Saudi Arabia embodies four types of authorities: the King, the Princes, the *ulama*, and the members of the upper class, each of them representing a mixture of traditional and modern values. Among the authorities of the regime, the King has the greatest scope of authority, but he still has to obtain consensus and legitimation within the royal family, the *ulama* and the commoners in the ministries, as the analysis of the institutions shows. In particular, legitimation has to come from the *ulama*, since the ministers are responsible for implementing policies. Moreover, it is still necessary to examine how the links between legitimacy and support are created and maintained; this is the concern of next section.

### **2.3.2. The political community**

It is often pointed out that in Saudi Arabia there is no participation in the political system because the government is authoritarian and there are no channels available. However, there are forms of participation based on an amalgamation of traditional customs and social values mixed with the demands of the oil boom. An appreciation of traditional values remains important if one tries to achieve an understanding on how and in what way the political community is involved on the political system.

It is also important to notice that solidarity links inside the family are related to the familial lines and a generational factor. The most powerful group is the royal family. The size of the family is thought to number some 5000 members, and it can be considered as the only political party in Saudi Arabia (Al-Yassini, 1985: 92). Academics have pointed out that there are power struggles within the family (Quandt, 1981: 108; Korany, 1991: 329-346; Dawisha, 1979: 130). Since the rule of King Fahd,

there has been a main circle, called the Sudairi seven (King Fahd, and Princes Sultan, Abdul Rahman, Nayif, Turki, Salman and Ahmad).<sup>29</sup> Then there is second circle known as the “conservatives”, headed by Abdullah the current crown prince<sup>30</sup> and princes belonging to the Thunayan family branch, for example the ex-King Khaled and the Jiluwi collateral branch of Al Saud family, and the sons of King Faysal.<sup>31</sup> Another division based on lineage overlaps these two circles. The latter generation, such as the grandsons and great grandsons of King Abdul Aziz, have had a more western education, while previous generations had a court education.<sup>32</sup> Therefore, it is important to recognise that depending on his position within the family, the King would exercise complete or partial control of the affairs of the Kingdom (Dawisha, 1979: 131).

The religious leaders (also the non-official *ulama*) continue to play an important role in society, since they are the propagators and reinforcers of the wahhabi interpretation of Islam. In the past, becoming an *alim* was considered the main career that would produce social mobility, especially during the period of Abdul Aziz up to King Faysal. During the last decades, the Kingdom has prepared thousands of *ulama*, to teach abroad or to fill positions inside the Kingdom. In spite of the lack of hierarchy among the *ulama*, there is a close relationship between non-official *ulama* and official *ulama*, since the latter may be the teachers of the former and are also involved in the promotion and nomination of the former. On the other hand, as will be discussed in the following chapters, the non-official *ulama* play an important role in legitimising the role of official *ulama*, both, among themselves and within the society. For this reason, their

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<sup>29</sup> Their mother is Hassa Bint Ahmad al-Kabir Sudairi. Lees, Brian (1980). *A Handbook of the Al Saud Ruling Family in Saudi Arabia*. (London: Stacey). p. 44.

<sup>30</sup> Abdullah is son of Al-Fahda bint ‘Asi al-Shuraim (Shamar tribe), two of his sons are holding positions in the national army. *Ibid*. p. 36.

<sup>31</sup> On the politics of succession and analysis of the different factions inside the royal family see: Henderson, Simon (1995). *After King Fahd: Succession in Saudi Arabia*. (Washington, D.C.: The Washington Institute for Near East Policy).

<sup>32</sup> See Samore, Gary Samuel (1989). *Royal Family Politics in Saudi Arabia (1953-1982)*. (Unpublished PhD Thesis, University of Harvard)

demands as a group can find a channel through the official *ulama* and among other social actors such as tribal leaders or businessmen.

Associated with the royal family, the tribal leaders are a group that is also considered to have a role in the political community. As mentioned earlier, the foundation of the Saudi Arabian Kingdom was based on consolidation through marriages between the royal family and daughters of the emirs of the most important tribes. Among the tribal groups associated with the House of Al Saud are the Thunayan, Jiluwi, Sudairi and Shammar. On the other hand, the National Guard, the military force in charge of the defence of the royal family, is composed of bedouins.

The importance of the tribal leaders, nowadays, stems from their role as intermediaries between government and society. Even with the modernisation and consolidation of the state, they continue to have an important role, not always formal but running in parallel with local government in terms of seeking consensus regarding government policies, and as arbitrators in local disputes.

The influence of groups, such as the merchant families of the Hijaz region and the families of Najd on the Al Saud, is determined by historical links and geographical considerations. As is pointed out by Kiren Aziz Chaudhry, during the last two decades the Najdi families were largely favoured, mainly because the centre of power for the Al Saud is in this region. Indeed, the policies pursued by the government since the oil boom were aimed at getting more Najdi people incorporated into the state apparatus and involved in business activity (Chaudhry, 1997: 156-163). In spite of this policy the traditional merchant families in Jeddah or the Hijaz region have enjoyed their prominence in the economic activities. The activities of businessmen are practically restricted to the construction sector, the registration of foreign companies and financial activities.

There is a close relationship between the royal family and businessmen. It is a patron-client relationship, since they participate in commercial activities through the princes. This relationship creates links between the princes and commoners, thus giving the commoners economic and social status.

In addition the oil boom and the policies adopted mainly since King Faysal's reign, have created the professions and education of persons as teachers, doctors, lawyers or officials in senior positions of bureaucracy or mid-ranking civil servants considered as middle class.<sup>33</sup> They depend on the government for salaries and the permanency of their jobs. These groups could act as informal pressure groups, especially with the problems that have appeared since the decline of oil revenues, but until now no clear pattern has emerged.<sup>34</sup> However, these groups should also be considered from another perspective. The fact that they are also, to a certain extent, intermediaries between society and government means that they are involved in the implementation of the welfare distribution programmes, and therefore may be regarded as another channel linking government and society.

## **2.4. Remarks about the Saudi Arabian Political System**

As has been seen, the political system of Saudi Arabia is characterised by the participation of the *ulama* and the government in the production and reproduction of social norms. The cause, as has been shown, lies in the way that the structures of the system have been shaped, and the channels or relationship that have been produced as a result.

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<sup>33</sup> Rugh, William (1977). "Emergence of a New Middle Class in Saudi Arabia", *International Journal of Middle Eastern Studies* 27, (1): 7-20.

<sup>34</sup> See Heller, Mark and Nadav Safran (1985). *The New Middle Class and Regime Stability in Saudi Arabia*. Harvard Middle East Paper. (Cambridge, Massachusetts: Harvard University Press).

The systemic theory and its manifestations in structuralism and functionalism have been useful as a point of departure. Power, as has been analysed, not only lies in the structure but also in the relations of power that are established at the community level, and these are important to explain the features of the political system.

The relationship between the regime and community is very complex, since it is transacted through formal and informal channels. The growth and specialisation of the government has reinforced the traditional patterns of authority within the Kingdom. At an institutional level, the structure of the government explains which authorities and which institutions have power and participate in the decision-making process. It was stated that the King and the royal family have a broad political power. However, if one does not look beyond this one's understanding of the system will be only partial, since the performance of the role of the individuals and institutions has to be undertaken according to the values of the social practices involved. Therefore, one has to look for notions of authority and legitimacy, based not only on the weight of the past, but also on processes that are in a state of continuous elaboration. These are established partially by the government (at the institutional level) and are vital for the dynamics of the society that is involved in their creation and maintenance.

The role of values was considered from Apter's perspective, since they determine to a great extent the configuration of the power structure and the performance of the roles associated with the government. As mentioned earlier, there are two main sources of values, religion and tribal practices. These are used under certain circumstances by the government in order to reinforce its position just as the values are also used by different social groups to accept or reject governmental policies. It is at this level that the role of the *ulama* is most important since they contribute to feeding and spreading those values among the population.

## **Chapter Three**

### **The Formation of the Kingdom**

In order to understand the configuration of the political and religious authorities in today's Saudi Arabian Kingdom, there must be an analysis of the historical background. The main aim of this chapter is to trace how social practices shaped and influenced the creation of structures of authority and established the forms of legitimacy. In order to achieve this aim, the chapter is divided into three main sections whose objectives are to describe the historical context in order to study the different aspects that were involved in the formation of Saudi Arabian society and its political system. The study begins with the historical analysis of the causes that favoured the emergence of the Wahhabi (*da'wat al-tawhid*) movement,<sup>35</sup> focusing on the formation of the so-called first and second Saudi states. The next main section deals with the period of the establishment of the modern Saudi Arabian Kingdom by Abdul Aziz Al-Saud and is followed by an analysis of the consolidation of the political system during the regimes of King Saud and King Faysal.

The historical study is accompanied by an analysis of the origins of the central authority and the religious authorities, examining the evolution of these authorities in terms of permanencies and changes in the creation and recreation of power and its domains. The analysis of the content of the main Wahhabi doctrines focuses on the bases for the "definition" of authorities, society and their roles. After the study of the establishment of the Kingdom of Saudi Arabia during King Abdul Aziz's period, an analysis is given of the evolution of both types of authorities, during the successive regimes of Kings Saud and Faysal.

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<sup>35</sup> Although the members of this movement referred to themselves as *muwahhidun* (the people in favour of the unity of God), this term is also applied to other religious movements in the Islamic world. Wahhabism was a term used by the opponents of the movement and it is currently in use by western sources.

### 3.1. The First and Second Saudi States

The aim of this section is to outline the dynamics of society in Najd and the expansionist goals achieved during the first two Saudi states. The study of the historical period provides a basis for understanding the analysis of the content of the religious Wahhabi doctrine and for analysing the relationship between the *ulama* and government in the following sections.

The origins of the Saudi state date from the eighteenth century, when the alliance between Muhammad ibn Saud and Sheikh Mohammed ibn Abdul Wahhab was forged. This alliance between religion and politics became the main driving force for the emergence of two stable and lasting chieftancies<sup>36</sup> that are known as the first Saudi state (1745-1818) and the second Saudi state (1824-1891).

As is pointed out by Corancez, three important factors help towards an understanding of the dynamics of the two historic Saudi states: climate, religion and government (Corancez, 1994: 113). The geographical and ecological conditions influenced the development of diverse settlements and nomadic life.<sup>37</sup> The second factor, religion, was used to overcome the divisions of the diverse communities and gave a *raison d' être* to the expansionist movement. This factor, together with attempts to establish a central authority, was influential in establishing forms of government during the historical periods of the Kingdom up to the time that the modern Saudi Kingdom was established.

The geographical and historical conditions of the central part of the peninsula, or what is now known as the Kingdom of Saudi Arabia, are clearly important. The central part of the peninsula is composed of four main regions, which evolved with different

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<sup>36</sup> The chieftancy was a prevalent form of organisation in the Arabian Peninsula since pre-Islamic times. Chieftancy refers to an organisation of "loose tribal alliances based on power sharing, mutual responsibilities and duty sharing among nomadic and sedentarised people under a ruler from a major tribe" Kostiner, Joseph (1993). *The Making of Saudi Arabia, 1916-1936: From Chieftancy to Monarchical State*. (New York and Oxford: Oxford University Press). p. 3.

<sup>37</sup> A full analysis of the ecological and geographical factors as determinants for the political behaviour in Central Arabia is found in: Helms, Christine (1981). *The Cohesion of Saudi Arabia*. (London: Croom Helm). pp. 29-75. Vassiliev, A. (1999). *The History of Saudi Arabia*. (London: Saqi Books). pp. 29-63.



features according to their geographical and historical settings. Najd is the region located at the centre, with al-Hasa to the east, Hijaz in the west and Asir to the south. Najd, in turn, is flanked by the Jabal Shammar and Qasim areas.

The central region of Najd is the area where Wahhabism emerged. The hardship of natural resources in this particular region led to isolation and a lifestyle created by vast desert areas such as the Nafoud in the north, Rub al Khali in the south and the Dahna desert in the east, which determined its frontiers. Consequently, in Najd the relationship between the nomadic population and the settled areas was fundamental to the life in this region. The main urban areas were Riyadh, Hail, Buraida and Unaiza, which were mercantile and manufacturing centres for the trans-peninsular caravans (Helms, 1981: 33).<sup>38</sup>

The Arabian Peninsula was the intermediate point between Europe and Asia for the spice trade, and for the pilgrimage routes to Mecca and Medina, from remote times. Three main pilgrimage routes crossed the peninsula from different points such as Hufuf, Kuwait and Najaf. The rise and decline in importance of tribal groups or of towns was determined by the creation of stopping places on the trading and pilgrimage routes.

Two regions in the peninsula were economically active, al-Hasa and Hijaz. The first focused on trading in pearls and agricultural goods, the second on the commercial activities along the pilgrimage route and on the importation and exportation of goods to and from the port of Jeddah. In fact, Hijaz due to its commercial activities, was more urban-orientated than Najd, and had a continuous form of central authority. Also, the relationship between the urban Hijazi population and the tribal groups was more conflictive, since the latter were a constant interruption to the routes of commerce of Hijaz, in contrast to the state of the relationship that existed in Najd (Ibid. 31).

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<sup>38</sup> See Yapp, Malcolm (1980). "The Nineteenth and Twentieth Centuries" in Cotrell, Alvin (ed.). *The Persian Gulf States*. (Baltimore, Maryland: The John Hopkins University Press). pp. 41-57; Lorimer, H. B. completed and edited by R. L. Birwood (1970). *Gazetteer of the Persian Gulf, Oman and Central Arabia 2A Geographical and Statistical*. (Farnborough: Gregg International and Westmead and Irish University Press).

In general, the tribal communities and settled populations were dependent on each other, due to the complementarities of the two modes of life. On the one hand, the bedouins had a market to sell their livestock and extend their authority over the settled area; on the other, the settlers obtained goods from the bedouins, and protection for the transit of caravans, and the prevention of any threat from an enemy tribe (Helms, 1981: 65).

The tribal system had a hierarchy based on the purity of the tribe's ancestors, as well as on the amount of authority and power of each tribal group. The ascendancy of tribes was based on the claim of ancestors; the dominant tribes were those that could trace their origins to Qahtan or Adnan. Those without such ancestors were considered as inferior tribal groups and had to pay a kind of tribute (called *khuwa*) to a superior tribe in order to obtain recognition and protection.

The predominance of a strong sense of group solidarity (*asabiya*) was another important factor in the nomadic life. Each family unit of the tribe was required to contribute to collective tasks, such as the establishment of regular troops or providing a specific number of camels or horses for that purpose. Each tribe enjoyed recognised rights over the use of water and pasture in the limits of a demarcated territorial space known as *dira*. Those rights were maintained by customary law (Ibid: 49).

The towns were also governed in terms of kinship. Originally the settled communities were set up by a branch of a tribal group, keeping semi-nomadic life at the beginning and maintaining affiliation with their own tribal group (Uthaimin, 1997: 3).

In the second part of the eighteenth century, the Ottoman and Safavid empires surrounded the central part of the Arabian Peninsula. The first of these exercised a relative control in some of the areas adjacent to Najd. The areas of Hijaz (since 1517), Yemen, al-Hasa and al Qatif<sup>39</sup> respectively were under Ottoman control. The power of

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<sup>39</sup> These last three areas were outside the Ottoman control between 1635 and 1670.

the Ottoman central authority became increasingly more fragmented by military authorities or political chiefs who governed the peripheral part of the empire, especially in the Fertile Crescent. Local notables governed the towns or villages independently and the bedouins never totally submitted to the Sultan's authority. Meanwhile, the Safavid Empire (1501-1763) was extending its territory along the opposite coast of the Arabian Peninsula and as far as India in the east and Mesopotamia in the west.

The *ulama*, in addition to the military, constituted a key element in the Ottoman Empire. Due to the close relationship between the Sultan and later the Caliph, the *ulama* were heavily dependent on the central authority. They comprised a religious elite that was associated with commerce and wealth from the *awqaf* (Hodgson, 1974: 141). Hence with the disintegration of the Ottoman Empire, the power of the *ulama* began to decline, as part of the changes in the dynamics of the empire. The *ulama*, who were mainly followers of the shafi school of law, gradually became more sufi oriented, although they combined a belief in the supremacy of the *shari'a* with both Sunni and sufi interpretations.

The prevalent current in the Arabian Peninsula was based on official Ottoman Islam and the growing return to popular beliefs such as astrology, and the belief in saints, alongside the spread of Sufism. This was very important since the revivalist movements show the tension between formal Islam (the Islam of the official *ulama*) on the one hand, and, the Sufism and other popular cults. It is in this respect that the Wahhabi movement can be regarded as an opposition movement to both official Ottoman Islam and the popular cults prevalent in the region; and from a political point of view it was seen as a threat to the different chieftancies in the area.

As has been indicated the first Saudi state stemmed from the alliance between the Emir Muhammad ibn Saud and Sheikh Mohammed ibn Abdul Wahhab in 1745 at Dara'iya. According to the official historians, both families were descendants of noble

tribes. The origins of the Al Saud family can be traced to one of the major tribal clans of Anaza, beginning with the grandfather of Mohammed ibn Saud the founder of the settlement in Dara'iyah. The ancestors of Mohammed ibn Abdul Wahhab were from a division of the Tamim, also part of the Anaza confederation, who settled in Uyaynah and were dedicated to religious studies.

The activities and teachings of Sheikh Mohammed ibn Abdul Wahhab in Haramailah alarmed the Emir of al-Hasa who expelled him, seeing his stance and his teachings as a source of challenge to the Emir's authority (Uthaimin, 1970: 100-103). The destination selected by the Sheikh was Dara'iyah, since this was a settlement under the control of the main enemy of the al-Uyaynah and Haramailah authorities, Muhammad ibn Saud.

Dara'iyah was surrounded by local chieftancies, such as the Banu Khalid who controlled the area of al Hasa and the eastern coast, and the clan of Mu'ammir who controlled the southern part of Najd in which was located the main urban settlement of Uyaynah.

Muhammad ibn Saud accepted the religious precepts of Sheikh Muhammad ibn Abdul Wahhab, and the latter accepted the authority of the Emir Saud. Together they laid down the basis for the creation of today's Saudi Arabian Kingdom:

"I fear, that if I help you and we win the world, you and I, you may leave me to seek your fortune elsewhere; and secondly I am entitled by the laws of my land to certain revenues on the earnings of my subjects from agriculture and trade and the rest. You will not ask me to forgo this right". The sheikh replied: as for the first matter, give me your hand on it. And as regards the second, perchance Almighty God will conquer your conquests, and recompense you with spoils of war far more ample than your present revenues" (Philby, 1955: 39-40; see also ibn Bishr, 1971: 12).

The main expansionist drive was under the Emir and the Imam Abdul Aziz ibn Saud (1765-1803), since they managed to control all central Najd. Wahhabi forces annexed the Qasim area, al-Hasa and in the south, and their control reached to the

borders of Yemen. Some of the main tribal groups submitted to the Wahhabis, such as the Qahtan, Subai and Bani Khalid and Shammar. However, the submission was not always complete, since either the villages or settlements as well as the tribal groups shifted alliances according to circumstances and to the perceived advantages or disadvantages of the benefits in joining Wahhabis forces or not.

Nevertheless, the extension of the movement between the 1780s and 1790s allowed the Wahhabis to gain control of the main trading routes, especially with the capture of Buraida, Unaiza, Hail and al-Hasa. Furthermore, they also extended their incursions along the east coast, forcing the Sultan of Oman to pay tribute to the Emir of Najd.

When Saud ibn Abdul Aziz (1803-1814) succeeded his father, the Wahhabis once again conquered new territories, provoking reactions against them by the Ottoman Empire and the British authorities. The raids of the Wahhabis on lower Iraq and Syria, including the famous massacre and destruction of the Hussein tomb in Kerbala (1803), greatly concerned the Ottomans. Furthermore, the extension of the movement along the east coast of the Arab Gulf was stopped to a great extent by the presence of Britain and its alliance with the sheikhdoms of the Gulf.<sup>40</sup>

The advance of the Wahhabis towards Hijaz province, and the latter's submission in 1803, altered the dynamics of the trade. Regarding commerce, the Wahhabis banned all taxes, and were very strict about the admission of pilgrims, which of course led to a decrease of the pilgrimage and trading activities. Hence the Hijazi

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<sup>40</sup> The control of the littoral of the Gulf coast extended from Basrah to Dibbah in the Gulf of Oman. The activities of piracy by the Wahhabi Qawasim were the main concern for Britain, since the piracy interfered with the safety of British trade and communications with India. In 1820, Britain started to formalise an alliance with the Trucial sheikhdoms (Ujman, Ras Al Khaimah, Dubai, Abu Dhabi and Sharjah). Towards the end of the nineteenth century Bahrein, Kuwait and the Trucial Sheikdoms signed an agreement of no-alignment, by which Britain would have control their foreign affairs, and especially the prohibition of piracy and slave trade. See, Hawley, Donald (1970). *Trucial States*. (London: George Allen and Unwin Ltd). pp. 40-125.

population was deprived of their main source of income, and became dependent on the policy of subsidies from the Najd authorities (Vassiliev, 1999: 105). The control of this commercial province and the opposition of Wahhabis to the religious authority of the Sultan as Khalifa of the Muslim community provoked retaliation from Ottoman forces (Al-Shafy, 1967: 283). The first Saudi state ended with the arrival of Ottoman forces, which finally destroyed the first Wahhabi state in 1818.

During the second Saudi state, the Al Saud family was able to regain control of some areas in the central part of the peninsula. The recapture of Riyadh by Emir Turki ibn Abdullah restored Al Saud authority, after the departure of Egyptians forces from central Najd by 1819. The lasting rule over Najd was that of Turki ibn Faysal, first period from 1834 to 1838, second from 1843-1865. Although he met other contenders to his authority, such as Khalid ibn Saud (1838) helped by the Egyptians, and Abdullah ibn Thunayyan descendant of Muhammad ibn Saud (1842-1843), he managed to retain his authority.

Under Faysal, the Emirate of Riyadh extended its territories to Qasim, and Jabal al Shammar became its vassal. Control over al-Hasa and the east coast was achieved once more, but the agreement of Britain with the Trucial Emirates and Oman stopped the activities of the Wahhabis in the lower Gulf.

The area of Qasim was a constant challenge for the central authority. As has been mentioned, Qasim lies midway between Jabal Shammar and Southern Najd, so that the loyalty of the population was often divided between the two powerful Emirates. The Shammar, led by the Rashidi family, captured Qasim with the help of the Ottomans.

The death of Emir Faysal caused rivalry among his sons, Abdullah, Muhammad, Saud and Abdul Rahman. Faysal nominated Abdullah as his successor, but the latter was challenged by Saud, who deposed him. The Ottomans took advantage of the

situation to capture al-Hasa and Asir while the descendants of the House of Al Saud were engaged in internal disputes. Gradually, the authority of Al Saud was reduced to central Najd, and although authority was regained by Abdullah and Muhammad, the Wahhabi state did not manage to strengthen its position.

By contrast, the Rashidis in Hail were growing stronger, taking advantage of the situation in order to occupy southern Najd. Firstly, at the time when the son of Saud ibn Faysal challenged the Wahhabi authority, they appointed an Emir for Najd; and secondly, after the revolt of Abdul Rahman in 1891, they directly took control of the whole Najd.

### **3.1.1. The ideological content of the Wahhabi doctrine**

The work and postulates of Mohammed ibn Abdul Wahhab<sup>41</sup> are understood in the context of the fourth Islamic law school, the Hanbali<sup>42</sup> and particularly in the works of Taqiyy al Din Ahmad ibn Taymiyya (hereafter Ibn Taymiyya), the follower of this school. The Wahhabi movement was a reformist movement, but like all other religious movements it arose from a particular context, as was explained in the previous section, and in this sense was a response to it. The tenets of the Wahhabi creed are regarded as a response to the religious and political problems at the time of its emergence. The significance of this movement lies in the fact that it created the basis for the establishment of the Saudi Arabian state. The analysis presented in this section shows how the principles of the Wahhabi doctrine affected the demarcation of a new society based on submission to Islam and the expansion of the Islamic call throughout the Arabian Peninsula.

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<sup>41</sup> See Uthaimin, Abd Allah. (1972). *Muhammad ibn Abdul Wahhab: His Works*. (Unpublished PhD Thesis, University of Edinburgh).

<sup>42</sup> The premises of this school are the oneness of God, the incomparability of God, the plurality of attributes, the supremacy of the Qur'an and *Sunna* and the refusal to accept any innovation (*bida*). Laoust, Henry (1965). *Les Schismes dans l'Islam*. (Paris: Harmattan). pp. 117-118. It is important to mention that this school had been considered since its origin as focusing on a mild ascetic life, self-discipline and social criticism of the morals of society. See Hurovitz, N. (2000). "The Schools of Law and its Historical Context" in *Islam Law and Society* 17, (1): 37-64.

The principles of the Wahhabi creed constitute a critique of the state of Islam in the Ottoman Empire in particular, and of the distortion that it had suffered after the period of the four caliphs (*rashidun*) in general. Similar criticism were also voiced by Ibn Hanbal and Ibn Taymiyya in their times. The absence of a stable authority and differences among tribes in terms of lineage and power were meant to be surpassed by the call for the restoration of Islam. The membership of this new realm was portrayed in terms of submission to God, and as egalitarian members in the Islamic community (*umma*), in contrast to the inequality found in bedouin society. It is in this sense that it is possible to state that Wahhabi doctrines were influential in the creation of a “new” society in central Arabia.

The basic tenets of the doctrine of Mohammed Ibn Abdul Wahhab (hereafter the Sheikh) were the supremacy of the Qur'an and *sunna*, as the only two sources of revelation. The principles advanced by Wahhabism revolved around the notions of *tawhid*, *ijtihad* and *taqlid*, whilst rejecting and condemning the practices of *tawasul*, *shirk* and *bida*.<sup>43</sup>

The central tenet of the doctrine was the notion of *tawhid*, oneness of God, which is why the movement is known as *al-da'wa al-tawhidiyyah* (the call to recognition of the unity of God). On the one hand, *tawhid* was a clear reaction against all the deviations of Islam, particularly Sufism, and against the popular beliefs spread towards the second half of the eighteenth century, in order to emphasise the supremacy of one God; and on the other, the principle was the basis for dividing the world between the Wahhabis and “the others”.

There are three kinds of *tawhid*: *tawhid ar-rubiyyah*, *tawhid al asma'wa-s-sifat*, and *tawhid al-ulhiyya* or *al-ibadah*. The first refers to the affirmation of the belief that God is the creator and provider of the universe. Following this principle, God knows the

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<sup>43</sup> See Margoliouth, D. S. (1937). "Wahhabiya" in *EI* (in French). (Leiden, Brill). pp. 1141-1145.



destiny of men, since He created them according to His own purposes, such that men must follow His path and be rewarded, or deserve punishment (Uthaimin, 1972: 118). For that reason an imam must believe in predestination, accepting the will of God and trying to keep the correct path.

The second one, *tawhid al asma'wa-s-sifat*, refers to the view that the oneness of God is in accordance with the doctrines and interpretations of the ancestors about the names and attributes of God, in the way that God wanted and in agreement with what the prophet explained to his followers (Ibid.) This is the basis for declaring that God is perfection, and is unique and that no creature in the world is comparable with Him.

The third type of *tawhid*, *tawhid al-ulhiyya* or *at-tawhid al ibadah*, refers to the worship of God alone. The acceptance that God is not only the creator and the Lord, but is also the sole object of devotion is the basis of this form of *tawhid*. In this regard, the *shahada* (faith profession) is envisaged here as the way of showing that one must obey God alone, and these are the terms that define a Wahhabi *vis-à-vis* others. For the Sheikh, Muhammad is only an apostle whose teachings are to be followed, not a prophet to be worshiped.<sup>44</sup> This declaration of acceptance signified that in daily life those principles were followed, since practising according to religious precepts is accepting the fundamental tenet of Wahhabism. Faith in God and His commandments forms part of this type of *tawhid*, as Helms points out. This type of *tawhid* is associated with daily life and the behaviour that the believer, according to the Islamic precepts, should observe (Helms, 1981: 89).

The notion of *tawhid* was paramount for establishing the difference between Wahhabis and others, identifying themselves as the true believers, as opposed to the various other diverse groups of Muslims. The consequences of the principle of *tawhid*

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<sup>44</sup> Rashid, Rida (ed.). *Majmuat at tawhid an Najdiyya*. p. 127. Quoted by Uthaimin, *Op. Cit.* p. 233.

for the dynamics of life in the peninsula were considerable. Through this principle loyalty was no longer identified with tribal affiliations but with the worship of God. The difference among tribal lineages was blurred through membership of the Islamic community (*umma*).

The second principle is intercession (*tawasul*). Based on the concept of *tawhid*, worship must be addressed only to God. As a part of worship, prayers include the request (*su'al*). The Wahhabis were against intermediation between God and his creatures. The Sheikh points out that

“such prayers are polytheistic and those who utter them are not only similar to the old pagans against whom the Prophet fought, but even surpass them, for while the pagans invoked their gods in times of ease and turned to God exclusively in periods of crisis, these people associate others with Him at all times”.<sup>45</sup>

As can be inferred from this tenet, the practice of *tawasul* is contrary to the *tawhid*, especially its first and third aspects. This principle again is very strong on condemning pagan rituals and represents a warning against polytheism, reinforcing the notion of the oneness of God and emphasising the difference between the correct application of Islam and the practices prevalent at that time.

The rejection of intercession was one of the most notable features of the Wahhabis, since they condemned visiting graves and erecting domes because they became places where prayers of intercession were said. However, they differentiated between permissible and objectionable acts on this question:

“The first one would be as a reminder of the world to come, as a means of keeping alive the memory of dead persons, and as a source of mutual benefit for the visitor who is following the *sunna* and for the visitor who is offering prayers for him.”<sup>46</sup>

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<sup>45</sup> Ibn Ghannam (1949). *Tarikh najd al-muammas: rawdat al-afkar wa-l-afham li murtad hal al-imam wa ta'dad ghazawat dhawi l-islam*. Cairo. p. 67; *Majmu'at ar-rasail wa-al-masail an najdiyya* pp. 3-4. Quoted by Uthaimin, *Ibid*. p. 236.

<sup>46</sup> *Majmu'at ar-Rasail wa-l-masail an najdiyya* .p. 279; Qasim, Abd Allah (1931). *Al-buruq an Najdiyya fii ktisahazu lumat ad Dajawiyya*. Cairo. pp. 144-1445 quoted by Uthaimin *Ibid*. p. 240.

An objectionable act was considered to be the erection of domes and mosques in the tombs in order to ask dead persons to intercede with God.

“He (the Prophet) forbade this at the end of his life. After this [forbidding of taking graves as *Masjid* (place of worship)], he cursed anyone who did any such deed within this context. Prayer at the graves is one of these deeds, even if no *Masjid* has been built. This is the meaning of his words.” He feared (his grave) would be taken as a *Masjid*”. The Companions never built any place of worship around his grave. Any place which is intended for prayer or where prayer is performed has indeed been taken as a *Masjid*...” (Muhammad ibn Abdul Al Wahhab, 1996: 83-84).

The portrayal of Wahhabism as an extreme belief stems from the practices of the Hanbali school regarding the morals of society. In the case of the Sheikh and his followers, this activism led them abolish the malpractices of Islam. The destruction of tombs and mosques dedicated to the memory of any dead person was considered one of the Wahhabis main tasks.<sup>47</sup> The destruction of Kerbala and the tombs of Aisha are often cited as examples of the excesses of the Wahhabis.

The definitions of unbeliever (*kafir*) and the fight (*qital*) against the unbeliever represent the lines that divide the Wahhabi polity from other groups (either polytheists or non-Wahhabi Muslims) where the definition of unbeliever is an attribute of otherness *tout court* (Al Azmeh, 1993: 144). The Wahhabis regarded as unbelievers those persons who after becoming Muslims persisted in polytheistic practices or prevented others from following the correct application of Islam. According to the Sheikh infidels can be divided into four groups:

- “1- Those who know that *tawhid* is the religion of God and His Prophet and that to have recourse to beings others than God is polytheism and who refuse to follow the former and renounce the latter.
- 2- Those who accept these two principles but continue to believe in saints.

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<sup>47</sup> Al-Wahhab, Muhammad ibn Abdul edited by Muhammad Munir.(1927). *Kitab at-tawhid alladhi huwa haqq Allah 'ala l-Abid*. (Cairo) p. 52; Ibn Abdallah, Sulayman (1901). *Kitab al Tawhid and Tawhid al-Khallaq fii Jawab ahl al Iraq wa Tadhkirat uli l-albab fii tariqat ash Sheikh Muhammad ibn Abd -al-Wahhab*. p. 52; Rashid, Rida *Op.Cit.* p. 403 quoted by Uthaimin, *Ibid.* 242.

- 3- Those who feel hatred for others who do so (believe and practice *tawhid*) and affection for those who do not.
- 4- Those who join their townspeople in war against monotheists".<sup>48</sup>

However, as is pointed out by Uthaimin, there is no agreement on the question of *iqtal*, since in some writings it appears that the monotheists can only fight when they are attacked, but in others writing it appears they can attack infidels or persons who do not fulfil the five obligations of Muslims. Moreover, the Wahhabis described people who rebelled against their authority, apparently for political reasons, as apostates (Uthaimin, 1972: 255). According to Laoust, the Wahhabis took a stronger line on these issues than their Hanbali predecessors (Laoust, 1948: 525). These principles explain the motivation behind the expansionist movements, reinforcing the Wahhabi identity as true believers, against the non-believers, and fulfilling a religious obligation as well as a political benefit.

The forbiddance of *shirk* is another principle of the Wahhabi doctrine and is formulated in opposition to the principle of *tawhid*. There are two types of *shirk*, the major one refers to the association of any other being with God in worship; the lesser one excludes worship and can be swearing, showing off, etc. The former requires the individual to be excluded from Islam and paradise, but the latter does not.<sup>49</sup> Regarding the obligation of the five pillars of Islam, the non-observance of the *shahhada* is considered a major *shirk*.

Wahhabism has a very strong objection to innovation (*bida*), represented as any doctrine or action not based on the Qur'an, *sunna* or on the authority of the Companions. This position is a reflection of the general principles of the Hanbali school, and is intended to restore the true Islam.<sup>50</sup> The Sheikh, basing himself on the

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<sup>48</sup> Ibn Ghannam, *Op. Cit.* p. 108; *Majmu'at ar-Rasail wa-l-masa'il an Najdiyya* IV p. 300-301 quoted by *Ibid.* p. 254.

<sup>49</sup> Rida, Rashid. *Op. Cit.* p. 8 quoted by *Ibid.* p. 259.

<sup>50</sup> Helms, Christine, *Op. Cit.* p. 90.

*sunna* rejected any *bida*.<sup>51</sup> In contrast, his son Abdullah, defined it as anything that was introduced after the third century of Islam; he restricted the application of *bida'a* to matters related to the doctrine and practice of religion.

*Ijithad* and *taqlid* were principles that also caused polemic. *Ijithad* is an opinion on certain issues first based on the Qur'an and the *sunna*, then on the opinion of the Companions and their successors (the three other imams, founders of the other three Islamic schools) and finally on the opinion of the scholars. The last point was introduced because they were claiming for themselves the right to exercise *ijithad*. For this reason, the Wahhabi scholars established two different kinds of *ijithad*, absolute and limited, and a practitioner was a *mutlaqm*, a *muqayyad* or merely a *mujtahid*. The first were in a special category since it referred to the four imams, founders of the four Islamic schools. The third refers to persons who possess outstanding knowledge in a particular area on which they pronounce an opinion (Uthaimin, 1972: 262).

Regarding the question of *taqlid* (imitation), they established that the only path to follow was that of the Prophet's path. However, they distinguished between the *taqlid* for questions of law, which is not allowed, and the case of *furu'* (derived legal rules) as long as it is based on agreement with the holy sources.

As has been noticed, religious principles strongly underlined the oneness of God, contrary to the religious practices of that time, and created an acceptance of political authority. The doctrines also served to redefine the bonds among the members, thereby weakening tribal differences. These religious principles established a new organisation where members were defined as true believers in both theory and practice against each other Muslims and non-Muslims, giving an impetus and a *raison d'être* to the expansionist Wahhabi movement, at the same time reinforcing Wahhabi identity and its way of organisation.

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<sup>51</sup> Ibn Ghanam *Op. Cit.* p. 143 quoted by Uthaimin, *Op. Cit.* p. 263.

### 3.1.2. Authority in the works of Ibn Taymiyya and Mohammed Ibn Abdul al-Wahhab

Since the death of the Prophet the issue of authority over the religious community, has been a polemic issue among religious scholars,<sup>52</sup> each school advocating different bases for its establishment. In the Hanbali school, Ibn Taymiyya covered the issue of authority in his treatise *Siyasa al-Shar'iyya*. The works of the Wahhabis apply the same principles proposed by Ibn Taymiyya.

Ibn Taymiyya's concepts of authority were mainly focused on the importance of the *ulama*'s role, as religious authorities responsible for the heritage of the golden age of Islam. In fact, he regarded the combination of *umara* (plural of *amir*) and *ulama*, following the path of the Qur'an and the *shari'a*, as the base for the formation of an Islamic state. His basic assumption was that politics and religion are intertwined since "there can not be religion without the coercion of the state, and without discipline of revealed law the organisation of the state becomes tyrannic". This was echoed by the Sheikh who considered the existence of an imam necessary in order to maintain the faith and the observance of Islam.

According to ibn Taymiyya, the Qur'an and the *sunna* did not say anything in particular about the form of government that has to be followed, going against the ideas prevalent at that time. He considered that the procedures relating to the Prophet's succession were different in respect of each of the first four caliphs. Moreover, he pointed out that what God establishes is the necessity of a head in the community

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<sup>52</sup> The question of the succession of the Prophet and later forms of authority have been regarded in different perspectives by the schools of law and by different scholars. Some scholars consider that the separation of religion and politics happened after the death of Prophet Muhammad with the beginning of dynastic rules like Umayyad and Abbasid and especially with the emergence of the *ulama* as the scholars learned in religious matters. See Lapidus, Ira (1975). "The Separation of State and Religion in the Development of Early Islamic Society" in *International Journal of Middle Eastern Studies* 6: 363-385. See Ayubi, Nazih (1991). *Political Islam: Religion and Politics in the Arab World*. (London, Routledge). pp. 13-26. Faksh, Mahmud (1990). "Concepts of Rule and Legitimacy in Islam" in *Journal of South Asian and Middle Eastern Studies* 13, (3): 21-36.

(Laoust, 1948: 172). Based on these reasons, Ibn Taymiyya and the Sheikh did not question the origin of political authority, even if it were imposed by force. An authority is legitimate since God allowed its existence, as is indicated in the *tawhid ar-rubiyyah*. For both scholars, the avoidance of any separation of religious and political authority in the community is more important than questioning the origins of authority.

In sum, Ibn Taymiyya did not consider the necessity of the caliphate; he states the importance of the authority irrespective of its origins and accepts the existence of several imams at the same time as a reflection of the reality during the Mongol invasions and the fragmentation of authority. Therefore, the centre of gravity shifted from the *khilafa* and the *khalifa* to the community, where the unity was preserved by obedience to the *shari'a* (Rosenthal, 1962:52).

The Wahhabi scholars followed the same principle proposed by Ibn Taymiyya. For the Sheikh it was important that the authorities had religious knowledge, stressing the knowledge of Qur'an and *sunna* as necessary to the fulfilment of the imam's main task of preserving religion. For these reasons, the Sheikh laid down that anyone who takes this task upon himself must know what to command and what to oppose, be kind in applying this, and to be patient with all possible consequences (Uthaimin, 1972: 276).

The exercise of authority is a religious function, since all the work that is done by the authorities is aimed at the fulfilment of God's commands. Both scholars agreed on this. The main aim of authority is to enforce the duties of Islam, the correct application of law, the welfare of the community, and ensure that it is observed in the religious and secular areas of life (Laoust, 1939: 301).

The Wahhabi scholars also agreed that the ruler must ask for the *ulama*'s advice in order to rule with justice (Uthaimin, 1972: 276). However, Ibn Taymiyya considered the *ulama* are as important as the imam, although he considers the role of the *ulama*

vital in advising the emir, it is the latter who decides when to consult them, indicating with this the discretionary powers that the Imam can enjoy.

The legitimation of power is seen by Ibn Taymiyya as residing in the *baya'a* (oath of allegiance), where the authority and the community are linked by the obedience to God and the Prophet, with the aim of maintaining the welfare of the community. In this sense, the government is conceived by Ibn Taymiyya as a contract between the ruler and the *ulama*, sanctioned according to religious principles. The principal feature of this government is its co-operative character, since both parts are obliged to help each other and fulfil the commands to maintain the welfare of the community. Hence the fulfilment of the law makes both imam and society subordinate to the rules of Islamic law and in this way legitimacy is conferred along with the preservation of Islamic law.

The head of the community has the power and authority to command good and to forbid evil, without religion he can not prevail. The preservation of this world and its preparation for the next world is the main duty of the authority. This power is, therefore, one of the religious instruments that will bring man close to God (Laoust, 1948: 172-174), since it is applied for the fulfilment of religion. Although there is in Ibn Taymiyya's work a certain notion of equality between members of the society and the authority (as both are part of the agreement), the powers and resources that the authority possesses are superior and consequently enable it to ensure control of aspects of life. For these reasons the authority must look after both the spiritual and material welfare of the community (Laoust, 1939: 298).

Submission to the law in Ibn Taymiyya's view is not passive, and in this respect his view differs from that of his predecessors (Lambton, 1981: 48). The performance of the rites in Islam makes such submission active, since all Muslim must, within their abilities, strive to bring about the success of God's word. Those who hold positions of authority must obey God, respect religion and look after the welfare (*maslaha*) of all



Muslims (Laoust, 1948: 179). Again, the legitimacy is attained in the exercise of the divine rules, whose implementation depends directly on those who exercise power. If you have sound emirs and *ulama*, then you will have a sound community (Ibid. 169).

Invoking the principle of the welfare of the community, the head of the state or *wali al-amr* and his representatives can create regulations in cases not contemplated by the *shari'a*,<sup>53</sup> according to the needs of the community and following the precepts of the *shari'a* (Rasheed, 1973: 29). This principle is known as *Siyasa al-Shari'a* and the government must consult the *ulama* or the judiciary institutions in order to ensure that the regulations do not contravene Islamic law.

The obligations of the members of the community towards the imam were regarded as total, absolute and unconditional. Ibn Taymiyya proposed a critical attitude of the community toward the authorities, but he did not advocate open rebellion or dissidence in the community. Furthermore he considered that the unity and maintenance of the community was important in order to avoid disorder and fragmentation.

The type of government analysed in this section is one based on the *shari'a*, in which the role of the *umara* and *ulama* are the pillars. Ideally this system has to work in accordance with obedience of the *shari'a*, where co-operation between government and governed operates on this basis to produce and maintain the unity of the community. The notions of the fulfilment of *shari'a* law and the function embodied in the principles described earlier gives to the notion of authority and legitimacy a normative aspect.

Obedience to the imam who follows religion goes in tandem with the goal of the authorities, limiting men to obey God and his Prophet, as the basis of the normative character (Laoust, 1939: 527). However, as has been noted, the origins and functions of

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<sup>53</sup> Ibn Taymiyya pointed out the importance of the authority enforcing the Islamic law in general, but also its role in establishing the dynamics of economic life. See Laoust, Henri. (1939). *Essai sur Les Doctrines Sociales et Politiques de Taki-d-din Ahmad B. Taimiya*. (Cairo: Imprimerie de l'Institut Français d'Archéologie Orientale). pp. 456-469.

the imam can be discretionary and there is no place for rebellion, since this will be against the unity of the community.

The source of legitimacy for both the *ulama* and the government, therefore, comes from the religious basis and its implementation, as well as from the oath of allegiance. But the power of the imam is above of the *ulama*, since he appoints the latter and in case of failure he has the power to depose them.

### **3.1.3. The ulama and political authority during the first and second Saudi states**

The power and influence exercised by the *ulama* during the first and second Saudi state were paramount for the configuration of a central authority. The recreation of the values and practices for the restoration of Islam conceived by Muhammad ibn Abdul Wahhab influenced considerably the nature of the relationship between the religious and political authorities when he was alive. The analysis of the administration of the authority during these two periods is the object of this section, especially during the first state, since most of the division between religion and politics followed the same pattern thereafter.

Muhammad ibn Abdul Wahhab was indeed the main religious figure during the first Saudi state. He was very active, teaching the Wahhabi precepts to students and spreading his ideas to other *ulama* and Emirs of the peninsula.<sup>54</sup> In general, the influence of the Al al-Sheikh family in religious and educational affairs was very important. Even after the death of the Sheikh, his sons continued the policies established by their father. Palgrave observed that the Al al-Sheikh family had a “predominant

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<sup>54</sup> Al Aisa, Mai (1996). *Al hayat al 'ilmiah fii najd min qiyaam da'wat al-sheikh Muhammad ibn Abdul Wahhab hata nihaia al dawla Al-Saudiyya al-ula* [Life of Knowledge in Najd from the Time of the Islamic Call from Sheikh Muhammad ibn Abdul Wahhab until the End of the First Saudi State]. Riyadh: King Abdul Aziz Research Centre.

influence” and the Al Saud never attempted to contradict them in any matter (Palgrave, 1865: 378-380).

The Sheikh held different responsibilities in addition to those specifically connected with religion, but there were also those related to political activities. According to Ibn Bishr, the Sheikh had a saying in any final decision, even in military campaigns (Ibn Bishr, 1971: 52). The Sheikh was the advisor of Emir Muhammad ibn Saud, and later of his successor Emir Abdul Aziz ibn Muhammad ibn Saud (1765-1803). He occasionally acted as the representative of the emirs in dealing with political agreements with different factions or authorities.

The military campaigns were conducted under the mantle of a religious rationale. The recognition and acceptance of the Al Saud authority was at the same time an acceptance of the religious principles of Wahhabism. Therefore, those who refused to acknowledge the authority of Al Saud were also, in effect, failing to recognise Wahhabism; consequently a *jihad* (holy war) was declared against such people. As has already been stated, the non-believers could even be those Muslims who continued with polytheistic practices or deviated from the Wahhabi tenets. In such matters, the influence of the Sheikh was important, since it was he who would determine who would they have to fight and to whom they have to spread the Islamic call, based on religious precepts and in agreement with Emir Muhammad ibn Saud.

The central political authority had the right to ask for forces to be provided by the subjugated areas, recreating the bedouin custom. Each village, town or tribe had to provide a contingent of men to take part in the military campaigns following the tribal traditions, and fighting the infidel was a religious command. The number of men to be recruited was based on the proportion of active men in the town, village or tribe and according to the circumstances of the campaign (Al-Shafy, 1967: 151).

The finances of the movement were at the beginning under the control of the Sheikh. The *Bait al Mal*, or treasury, was composed mainly of the *zakat*. One fifth of war spoils (*al-ghanima*) also went to *Bait al-Mal*, with the remainder was divided among the fighters (Al-Shafy, 1967: 86). Once Riyadh was captured, the Sheikh transferred control of the treasury to Abdul Aziz ibn Muhammad ibn Saud. The explanation most frequently given for this is that the increase in funds received as a result of the extension of Al Saud control through the peninsula, was proving to involve too heavy an administrative burden for the Sheikh (Ibid. 87). Thereafter, the *Bait al Mal* remained in the hands of the central authority.

It is important to consider that the sources of revenues and also the ways in which they were used by the authorities continued to be enforced by the successive rulers until the time of Abdul Aziz ibn Abdul Rahman. Uthaimin and Burckhardt have provided good descriptions of the kinds of *zakat* and other fees paid to the central authority (Burkhardt, 1831 II: 151-162; Uthaimin, 1998: 178-179). In the case of the *zakat*, apart from being a religious duty it also symbolised obedience to the central authority (Al-Shafy, 1967: 209). The amounts of *zakat* levied were fixed according to the number of possessions (animals) and agricultural products (dates, grains, honey, etc.). Commercial trade was also subject to a levy, as were the tribes themselves. The payment of fees was a further source of revenue for the treasury, and was collected at the same time as the *zakat*. However, the most important revenue came from those who owned land in the rebellious areas. After such a district repeated its refusal to recognise the central authority, the public treasury took considerable amounts of land away from the existing landowner (Burckhardt, 1831 II: 154-155).

The disposal of the money acquired by the *Bait al Mal* is important in relation to the division of power. According to Burckhardt, the *zakat* taxed on the bedouin tribes passed directly to Emir Saud's purse, meanwhile the *zakat* from the towns or farmers

was going to the treasury (Ibid. 152-153). The remainder of the money was diverted to needy people, the construction or maintenance of mosques, the payment of salaries for the *ulama* as *qudat*, teachers and preachers, and the payment for the collectors of the *zakat*.

At the local level each village had its own treasury, but the *zakat* was collected and registered by persons sent by the central authority. The funds obtained from these treasuries were divided into four parts: one of which was sent to the central treasury, poor people and the *ulama* (including the maintenance of mosques and the provision of public services), assistance to poor soldiers, and the entertainment of guests in the village (Burckhardt, 1831 II: 156).

As may be deduced from the description of their finances, the *ulama* were financially supported by the central authority. The image of the Ottoman *ulama*, as was noted in the first section, was associated with corruption derived from the misuse of *awqaf* funds and the customary judges of the tribes who used to receive money earned from performing their functions. This economic dependence of the Saudi *ulama* can be explained, then, in terms of an attempt to strengthen their status among the people and restoring their image of not being associated with corruption.

The exercise of authority at a local level was in the hands of the local Emir. The tribal practice whereby the elders of the town were the ones who chose their Emir, was followed at the beginning of the first Saudi state, although the final decision had to be ratified by the central authority (Lorimer, 1970: 1063). As the central authority gradually had to cope with more territories, the tribal practice was abolished and the central authority assumed responsibility for appointing members of local families to become the local authorities (Vassiliev, 1999: 124). These local Emirs were assisted by a *qadi*, and in the case of big cities the *qadi* was assisted by a *mufti* and the *muhtasib* (moral policeman).

Succession to the rulership among the members of the Al Saud family was based on a variety of different practices, with the *ulama* being the providers of legitimacy and stability to the Saudi realm. In the first state, the successor of the Emir Muhammad ibn Saud was his eldest son, Abdul Aziz ibn Muhammad. It is important to point out, firstly, that the oath of allegiance to Abdul Aziz was sworn before the death of his father, and was requested by the Sheikh himself; and that while Muhammad ibn Saud held the title of Emir (based more on territorial connotations), his son received the joint title of Emir and imam. The reasons for Abdul Aziz having second title was that he was known for his religious knowledge, acquired from the Sheikh, and therefore he was qualified to become the imam of the community.<sup>55</sup> Other reasons are related to particular circumstances, since it was to Abd al Aziz that the sheikh transferred control of the *Bait al-Mal*, and conferring the title of imam on him was to give him a new status relative to the scope of his authority.

In the case of the transference of power from Abdul Aziz ibn Muhammad ibn Saud to his eldest son, again the Sheikh ordered the people of Najd and other areas to give the oath of allegiance to Saud as heir apparent (Ibn Bishr, 1971: 83). After the assassination of his father, Saud immediately replaced him both as imam and Emir. From that time, the Al Saud authorities adopted both titles automatically. The last Emir during the first Saudi state was Abdullah ibn Saud who was taken prisoner and later killed by the Ottoman authorities in Constantinople.

During the second Saudi state, the *ulama*, and in particular the Al al-Sheikh family, performed the role of guarantors of the transmission of power and maintenance of stability among the community, especially during the period known as the civil war (1865-1876). This period was characterised by disputes among the four children of

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<sup>55</sup> Explanation provided to the researcher by Dr. Abdullah Al-Uthaimin, March 1998, Durham.

Imam Faysal (Abdullah, Saud, Muhammad and Abdul Rahman) over the authority of the Al Saud dominions.

An example of the role assumed by the *ulama* as guarantors of the transmission of power is the one performed at the time of the problems of authority and succession after the death of Imam Faysal. Although Imam Faysal declared his eldest son as his successor, his second son Saud launched a revolt against his brother. The position assumed by Sheikh Abdul Rahman, son and successor of Sheikh Muhammad ibn Abdul Wahhab, was supportive to Emir Abdullah. In a public address, Sheikh Abdul Rahman stated that, according to the Wahhabi precepts, the existence of the community was due to its the submission to Islam and its obedience of the imam Abdullah, adding that allegiance had previously been declared to the imam by the people of Najd in front of him. Moreover, Saud had previously declared his allegiance to his brother, so now that he was rebelling against him and inviting people to fight against his brother he deserved to be attacked (Crawford, 1982: 232).

During the capture of Riyadh by Saud ibn Faysal, the stance of the *ulama* once more played a significant role. Sheikh Abd Al-Latif ibn Abdul Rahman legitimated the position of Saud as the new Emir. As Crawford analysed, the inability of Abdullah to face his brother, fleeing Riyadh and seeking the help of the Ottomans<sup>56</sup> were the circumstantial factors that gave legitimacy to Saud. Sheikh Abdul Latif declared him imam on the premise that "the affairs of the Muslims can not be right without the imam nor can there be Islam in his absence..."(Ibid. 235).

In 1871 Abdullah, aided by the Ottomans, defeated Saud's forces and entered Riyadh. Once more the oath of allegiance was given to him and Sheikh Abdul Latif

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<sup>56</sup> It is important to state that principles by which the search for aid from the polytheists and in this case the Ottomans considered as unbelievers by Sheikh Abdul Latif ibn Abdul Rahman. "The plea for aid had to be done in the genuine interest of the Muslims; the Idolaters to whom the request was directed were not to possess, nor be supported by, government power, and the polytheist were not to play any role in the formation of policy" (Risala xxiv quoted by Crawford, M.J. (1982). "Civil War, Foreign Intervention, and the Question of Political Legitimacy: A Nineteenth-century Sa'udi Qadi's Dilemma" in *Journal of Middle Eastern Studies*, 14: 236.

restored the allegiance given by his father previously. However, his position changed soon when Saud (also aided by the Ottomans) managed to re-enter the capital in 1872, so once more Sheikh Abdul Latif invoked the earlier oath of allegiance. However, Saud died shortly afterwards (1875), but this time, in order to avoid chaos and to maintain the unity, Abdul al-Latif and the Al Saud family chose Abdul Rahman as imam (Ibid 241). When Abdullah started to advance towards Riyadh, once more Abdul al-Latif took the lead in arranging a truce between the brothers, and Abdul Rahman agreed to give the Imamate to Abdullah. However, the Emirate did not last long because of the Shammar's offensive against Najd at the end of the nineteenth century.

*Ulama* authority, especially during the first state and during the lifetime of the Sheikh, was therefore exercised in a kind of partnership between the two co-founders. Both authorities, the Emir and the Sheikh, consulted each other in different fields, such as religion, administration and military affairs. "No camels were mounted and no opinions were voiced by Muhammad or his son without the approval of the Sheikh" (Rentz, 1972: 57). Later, the domains of both authorities began to be delineated as result of the pressures arising from the extension of the territories. Education and administration of justice were the areas in which the *ulama* exercised control. Sheikh Muhammad and his successors also gave legitimacy to the transfer of power among the members of Al Saud family and, as has been shown, this role was decisive in maintaining the community and/or the domains of authority.

### **3.2. The Beginnings of the Third Saudi Arabian State (King Abdul Aziz ibn Saud, 1902-1953)**

The period of Abdul Aziz ibn Abdul Rahman ibn Saud (1902-1953) constitutes the basis for the formation of the Kingdom of Saudi Arabia, when political control passed from chieftancy to an institutionalised government and when a state was created. The period is important for this study since it provides a general framework for



understanding how the division of power emerged and how different actors and processes contributed to the consolidation of a state.

The study of the historical context given here brings in the different dimensions that were involved in the formation process of the Kingdom of Saudi Arabia. The first dimension corresponds to the demarcation of a territory, which was for the consolidation of authority at both levels, internal and external. The second dimension is concerned with how society experienced the reshaping of its membership in terms of loyalty to Abdul Aziz and to Wahhabism. The third dimension covers the development of the authority in terms of expansion and consolidation, was an aspect determined by both political and economic factors.

The dimensions mentioned above are better understood if one tries to distinguish the three levels of analysis that were involved in the process of state formation. The first is the involvement of foreign powers in the region, the Ottomans and Britain; the second comprises the role of the local chieftancies and the dynamics among them; and the third is how the consolidation of Abdul Aziz's authority was produced, as well as the expansion of his territories.

Regarding the first level of our analysis, some useful elements need to be specified. Firstly, the role of the foreign powers was important in terms of their support for the local powers and vice-versa, and its effects on the limitations or creation of dominions. The general policy that Britain and the Ottomans adopted towards the end of last century and the beginning of this century was to maintain a *status quo* in the zone and to avoid any direct conflict, which meant the manipulation of their "protégées" to advance their own causes. Later, due to the events in the First World War, their relationship became openly hostile to each other, affecting the dynamics of the zone.

The Ottoman Empire, although it was in decline at the beginning of the twentieth century, tried to recover control in Central Arabia. Its main dominions were

the area of Hijaz, Central Arabia and Asir. In Hijaz, the Hashemite family recognised the suzerainty of the Ottoman Empire, having been vassals of the sultan since the sixteenth century. In Central Arabia, the Ottomans established garrisons especially in Qasim and al Hasa, and with the help of the Rashidis also managed to have some control over Najd (Yapp, 1987: 173-178). In the south of the Peninsula, they were involved in internal politics, since they had exercised control of Asir since 1840.

The British became involved in the coastal area of the Gulf because of their interest in maritime communications with India. They began to establish bases, firstly in Persia (Bandar Abbas), and then (on the basis of treaties of friendship which led eventually to British protection) with the sheikhdoms of the east coast of the Arab Gulf. Britain also established a colony in Aden in 1839, which was strategically vital later due to its proximity to the Suez Canal. As Yapp points out, Britain became the policeman of the Gulf, regulating commerce and fighting piracy along the coast (Ibid. 17).

The second level of analysis relates to the role of the local powers, such as the ruler of Kuwait, the Hashemites in the Hijaz, the Rashidis in Northern Arabia, and the Saudis in Central Arabia. These four local powers developed relations, which alternated between struggle and co-operation in order to consolidate and expand their dominions, creating different alliances among themselves and with the foreign powers.

The Shammar's main centre of power was Hail, a rich oasis that flourished and the basis of trade. It was an important point of intersection for the trade caravans, especially the Syrian and Mesopotamian caravan routes. The Shammar were governed by the Rashidi family, having been "nominal vassals" of the Ottoman Empire since the middle of the eighteenth century. However, the Rashidis' relations with the Ottomans were not systematic (Al-Rasheed, 1991: 204). Cooperation between the two grew when the Ottomans tried to concentrate on their dominions in Eastern Arabia. At this

particular period, the Rashidis had their own interest in an alliance with the Ottomans, in order to retain their authority in central Najd.

The Hashemites were in the area to the west of Najd, known as the Hijaz. They had been vassals of the Ottoman Empire since the beginning of the sixteenth century. The Ottomans became interested again in this area due to the construction of the railway from Syria to Medina, and the potential, which this plan offered them, for the recovery of control in Asir and the extension of their dominions towards the inner part of Yemen, as well as in the eastern Arabia.

To the east, in the coastal area, were territories under British protection such as Kuwait and the six trucial sheikhdoms that had signed the treaty of friendship and non-alignment with Britain in 1853 (Ajman, Abu Dhabi, Dubai, Umm al Qawayn, Sharjah and Ras al Khayma). At the beginning of the twentieth century these were important trade centres.

The third level of analysis relates to how the authority of Abdul Aziz was established. For this purpose, it is important to focus on the policies he adopted regarding his conquests, his position *vis-à-vis* the *ulama*, local notables groups and the tribal leaders, and above all the formation of the military forces which enable him to extend his dominions.

Having completed a description of the three levels of analysis, it is important to point out that the formation of the third state involved the domination of townspeople over the tribes. The conclusions drawn by Niblock state that: "the establishment and the expansion of the Saudi state were dependent primarily upon the initiative, leadership and support of townsmen" (Niblock, 1982: 77). Furthermore, he considers that the economic interests of townspeople played a crucial role—in comparison with those of the bedouins—at the expansion of Abdul Aziz's dominions.<sup>57</sup> The subjugation of

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<sup>57</sup> This issue is disregarded by others such as Aldamer who contends that in Central Najd commercial activity was not important. Aldamer, Faysal bin Abdul Rahman (1996). *Economic, Social and Political*

numerous tribal groups and areas was achieved by religious fervour with the creation of the *ikhwan* and with the motivation of economic gains.

The inclusion of towns or villages in the routes of trade and pilgrimage was related to the politics of the region as well as to the geographical conditions of the area. There were three main pilgrimage routes from Hufuf, Kuwait and Najaf to Mecca. The latter passed by Hail, the Kuwait route passed by Buraida and the Hufuf one passed by Riyadh (Lorimer II B, 1314-1328). These routes were a source of income for the towns as well as the tribes since the caravans had to pay an amount of money in order to avoid any plundering.<sup>58</sup>

Helms has argued that in the beginning Abdul Aziz's policy was aimed at establishing control of the urban areas, with the objective of having a base for economic and political expansion (Helms, Christine, 1981:113). On this basis the expansion can be examined in two main phases. The first of these is from 1902 until the annexation of al-Hasa and the agreement with the Ottomans in 1914. The second focuses on the effects of the two World Wars on the dynamics of the area until the formal declaration of the Kingdom of Saudi Arabia in 1932.

### **3.2.1. The recapture of Riyadh and the establishment of control over Hasa**

1902 is marked as the beginning of the third Saudi Arabian state with the reconquest of Riyadh by Abdul Aziz. This was a product of the local context, where the alliance between the Emir of Kuwait, Mubarak, and Abdul Rahman was crucial due to their mutual needs. For the Emir of Kuwait, it was necessary to defend the Emirate from the Rashidis and thus against the Ottomans; and it was essential for Abdul Rahman to

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*Development and their Impact in the Role of the State: A Case Study of Saudi Arabia.* (Unpublished PhD Thesis, University of Manchester). p. 65.

<sup>58</sup> There were also other important communication routes such as those from Kaf to Hail (from the Mediterranean basin to Central Arabia), from Hail to Buraida and Anaiza and from these towns to Riyadh, Medina and Mekkah. See Lorimer, H. (1970). *Op. Cit.* vol. II. pp. 1328-1341.

attempt to recover his past dominions, and at the same time to gain the attention and support of Great Britain. On these premises an offensive against the Rashidis forces was necessary for both sides.<sup>59</sup>

The forces and authority of Abdul Aziz were initially concentrated mainly on townspeople, rather than on tribal groups. His authority was centred in Riyadh, and later towns in South Najd swore allegiance to him, for example al Kharj, Aflaj, Hauta, Hariq and Wadi Dawasir.

After Abdul Aziz obtained control of the south, he moved his forces to the north into the area of Qasim. This was an important region from two points of view: strategically, because Qasim was a region bordering on the territory of Jabal Shammar, and economically because it was an important agricultural and commercial district.<sup>60</sup> The forces of Abdul Aziz succeeded in capturing one of the principal towns, Buraida, in 1904 while the Rashidis, trying to maintain their influence over this area, were pushed back to their own territory, Jabal Shammar.<sup>61</sup>

The capture of Qasim gave Abdul Aziz the power to manoeuvre on the external level. He took the initiative to negotiate with the Porte through Mubarak, since he needed to consolidate his newly acquired territories and to avoid retaliation by the Ottomans (Benoist-Mechin, 1955: 100). The result of his approach to the Porte

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<sup>59</sup> The situation in terms of the interplay with the foreign powers was difficult, since the Germans obtained a contract with the Ottomans to construct the Baghdad railway, and that was reflected in the close co-operation between Germany and the Porte. On the other hand, Russia attempted to develop a railway that would join Russia with Iran, having an exit to the Arab Gulf Lenczowski, George, (1952). *The Middle East in World Affairs*. (New York: Cornell University Press). p. 24. Those were the considerations that made Britain support Kuwait against the Rashidis.

<sup>60</sup> Qasim was an important supply centre for Hail. Dates were exported to Shammar, Ghee to Mecca and sometimes to Medina. Breeding horses was another considerable economic activity, since the horses were exported to India. Anaiza and Buraida were the main centres of this activity. Another economic and geographic factor in this region was that this zone is the main cross-roads of the trade routes between Riyadh, Kuwait and Hail. Buraida and Anaiza were the places of intersection giving these two cities with a high commercial status, even more important than Hail. Lorimer, H. B. 1970, II, *Op. Cit.* 1488-89.

<sup>61</sup> The Ottomans, concerned by the state of affairs against their protégés and their own troops in the area, and particularly with the revolt in Yemen, decided to reach an agreement with Abdul Aziz. Philby, H. St. (1955). *Sa'udi Arabia*. (London: Ernest Benn Limited). p. 248.

produced an agreement in 1905.<sup>62</sup> In this agreement, Abdul Rahman was his son's representative in the negotiations. The Ottomans sought to restrict his power, submitting him to the condition of a vassal of the Sultan.<sup>63</sup> The agreement was the formal acceptance of Ottoman occupation over Qasim and the garrisons of Anaiza and Buraida in order that the area would be a buffer zone between the territories of Jabal Shammar and Abdul Aziz domains (Vassiliev, 1999: 219).

The authority exercised by the Ottomans in Qasim, however, was nominal. The insurrection of the imam Yahya of Sana'a, and the conflicts in the Balkans and Armenia, meant that Ottomans troops had to be moved to those areas. After the defeat of Rashidis forces, the Ottomans forces failed to defend their authority against Abdul Aziz, who was helped by the local antipathy towards the Rashidis. Therefore the Ottomans negotiated with Abdul Aziz for their withdrawal from the region in 1906.

Abdul Aziz's authority was mainly concentrated in the central part of Najd. His forces continued to be dependent on the townspeople and on the conquest of different districts in the south and north. At the local level, the territorial conquests were directed first of all towards the south, aiming at acquiring more recruits and supplies in order to launch his campaign to the north. As the number of these troops was growing, the needs to obtain booty, supplies and ammunitions increased, with Qasim (due to its economic and strategic importance) becoming central to the struggle with the Rashidis. At the external level, Abdul Aziz took advantage of the situation to expand his dominions, thereby avoiding a direct conflict of interest with the Porte.

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<sup>62</sup> The strategy of Abdul Aziz and Abdul Rahman was to neutralise the Ottomans so as to obtain acknowledgement of Abdul Aziz's power. Sandria, Modjtaba (1989). *Ainsi l'Arabie est Devenue Saudite: Les Fondements de l'État Saoudien*. (Paris: Harmattan). p. 96. On the other hand, the agreement also provided a way to request the attention of Britain and seek recognition from Britain of the rise of Abdul Aziz's power.

<sup>63</sup> The Ottomans concerned by the state of affairs against their "allies" and their own troops in the area, and particularly with the revolt in Yemen, decided to reach an agreement with Abdul Aziz. Philby, *Op. Cit.* p. 248.

In 1912 or 1913 Abdul Aziz initiated the creation of a new bedouin-based organisation, the *ikhwan* movement.<sup>64</sup> The *ikhwan* forces provided the necessary forces to expand his power, and to establish control over the bedouin, so that the shifting of loyalties, tribal disputes and the plundering of the caravans were brought to an end.

As in the cases of the two previous Saudi states, the religious ideology behind this new movement was used to overcome the tribal differences, but the difference in this latest attempt was in that the religious ideology was accompanied by the settlement with the bedouin. The *ikhwan* movement in practice brought about the subjugation of the bedouins by the townspeople. The newly settled population became extreme defenders of Wahhabism and the most motivated force in the fight against non-Wahhabi Muslims. The teaching of the tenets of Wahhabism by the *ulama* and the preachers (*mutawwa'a*), as well as the subsidy from Abdul Aziz for the establishment of these villages, became the basis on which the *ikhwan* spread.<sup>65</sup> (This will be analysed in section 3.5).

According to Dickson, the usual way that a tribe was brought into submission was through its leader, who was sent to Riyadh. He would receive religious education, and he would return to his tribe thereafter, accompanied by some *ulama* chosen by Abdul Aziz. On some occasions, depending on the importance of the tribe, the tribal chief would stay in Riyadh at the expense of Abdul Aziz (Dickson, 1956: 154-156).

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<sup>64</sup> This date is agreed by the following scholars of the *ikhwan* movement: Gouldrup, Lawrence (1982). "The *Ikhwan* Movement of Central Arabia" in Serjeant R. B. and R.L. Bidwell (eds.). *Arabian Studies* vol. VI. (Exeter: University of Exeter and Scorpion Communications) pp. 162-163. Habib, John (1978). *Ibn Saud's Warriors of Islam: The Ikhwan Of Najd and their Role in the Creation of Saudi Kingdom 1910-1930*. (Leiden: E.J. Brill); Helms, Christine *Op.Cit.* Another version is that the *ikhwan* movement started in 1908, as a colony of religious devotees at Harama, and after this colony began to be successful, it moved to Artawiyah (the first recognised *ikhwan* settlement). Habib refutes the accounts of Dickson regarding the participation of the establishment of the colony by Abdul Karim, who is identified as the founder of the *Ikhwan* colonies of Harama and Artawiyah. Also Dickson points out that the date of the settlement of the first colony is "a date prior to 1912" Dickson, H.R.P. (1956). *Kuwait and her Neighbours*. (London: Allen and Unwin). p. 27. This argument is followed also by Zaid Abdullah S. (1989). *The Ikhwan Movement of Najd Saudi Arabia 1908-1930*. (Unpublished PhD Thesis, University of Chicago).

<sup>65</sup> An analysis of the social and political conditions of the *ikhwan* can be found in Gouldrup, *Op. Cit.* pp. 164-165.

The location of the settlements was dictated by geographical strategy in terms of being bases for defence, expansion and as provision centres. They were established on the frontiers of Abdul Aziz's dominions, and each time that the *ikhwan* forces took possession of new areas, they established new settlements (Habib, 1970: 59).

In the west, the Hashemites started an active policy in Central Arabia aimed at curtailing Abdul Aziz's power. This strategy came not only from the Hashemites but also from the Ottoman who encouraged challenges to Abdul Aziz's authority, through the sons of the deposed Emir Saud who carried out raids in central Najd. After the Hashemite incursion into Asir, the Hashemites took control of some oases that belonged to Abdul Aziz (Bisha, Turaba and Ronya in the southwest "border" between Hijaz and Central Arabia) which later became important as a point of struggle between these two forces.

In the north the death of the new leader of the Rashidis, Abdul Aziz, brought instability to the Rashidi authority. Some tribes started to become autonomous, either rallying against Rashidi authority or supporting some factions in the power struggle among the different rivals. The importance of Hail as a point in the caravan route declined for the reasons mentioned above, and as a result, the importance of Riyadh increased, buttressed by the expansion of Abdul Aziz's control over the region (Musil, Alois, 1927: 247).

The annexation of al-Hasa was followed from Abdul Aziz's desire to secure an important economic and strategic area. As Musil points out:

"the greater and more powerful dominions of Eben Sa'ud became, the more he desired unimpaired trade relations with the world. His subjects needed markets for various products —such as wood, skins, fat, saddle, cloaks, sulphur, sheep, goats, camels— in order to get in exchange for them arms, ammunition and clothing" (Musil, Alois, 1928: 284).

However, Golderberg establishes another reason behind the expansion to al-Hasa, the British acknowledgement of Abdul Aziz's authority. The timing was thus





appropriate for Abdul Aziz to act. Firstly, the Ottomans were unable to dispatch forces to stop the annexation of al-Hasa because of the Balkans Wars; and secondly, Britain in spite of her refusal to assist Abdul Azis in case of an Ottoman reinforcement by sea, adopted a neutral position (Golderberg, 1986: 86).

Politically, after Abdul Aziz took control of al-Hasa, he became a focus of attention for both the British and Ottoman authorities. Britain established formal communications with Abdul Aziz, recognising him as *de facto* ruler. Regarding the Ottomans, Abdul Aziz signed a treaty with them under which they recognised his authority over Najd and al-Hasa. Although the treaty was not implemented due to the beginning of the First World War, this was the first treaty with a foreign power that recognised his authority (Golderberg, 1986: 110; Vassiliev, 1999: 233-234). Economically, the annexation of this area provided him with sources of revenue from trade.

### **3.2.2. The configuration of the Kingdom.**

The effects of the First World War and its aftermath affected the dynamics of the Arabian Peninsula. Firstly, Britain started to have a more active policy towards Central Arabia, aimed not only at protecting her dominions but also at contributing to the attack against Ottoman dominions in the Levant and in the Hijaz. At the local level, the First World War accelerated the desires of some chieftancies for independence from the Porte, and each actor in this scenario tried to benefit from the situation.

Both Abdul Aziz and Sharif Husayn sought to take advantage of the conditions created by the First World War. The agreement reached between Husayn and Britain was contained in the famous correspondence between Sir Henry McMahon and Husayn,

began in the summer of 1915.<sup>66</sup> Husayn's desire to form a single Arab nation was raised in this correspondence. The British recognised his authority over the Hijaz in 1916, granting him a monthly stipend and a large quantity of ammunitions. In 1915, Britain had recognised the authority of Abdul Aziz as an "independent ruler of Najd, Al-Hasa, Qatif, Jubail and the ports and towns belonging to them" (Vassiliev, 1999: 238). Britain, also, agreed to protect Abdul Aziz and his dominions, and in exchange Abdul Aziz would keep the routes open to Mecca and Medina, and abstain from attacking the British protectorates on the coast, and refrain from concluding a pact with any other foreign power.<sup>67</sup> Also, as a product of a verbal agreement (Uqair 1916), Abdul Aziz was encouraged to fight the Rashidis, allowing him to have a subsidy of £5,000, 3,000 rifles, 4 machine-guns and ammunition in order to maintain a permanent force of 4,000 men for use against the Rashidi territories (Philby, 1930: 274).

After 1916, when the British started to subsidise Husayn, the latter obtained the submission of some branches of the Anaiza tribes and parts of the Shammar, as well as rallied support from people in border towns under Al-Saud control such as Buraida, Unayza, Sharah and Madrib (Kostiner, 1993: 15-16). The aims behind this policy were to consolidate his authority internally, and to increase the number of his troops in order to launch his movement (the Arab revolt) aimed at expelling the Ottomans from Hijaz.

In 1918, after the revolt ended, Husayn's forces attacked the oases of Khurma and Turaba<sup>68</sup> that had opposed his authority.<sup>69</sup> This situation became very sensitive for Abdul Aziz, since the *ulama* and *ikhwan* leaders in Najd wanted to attack the infidel Husayn (Benoist-Mechin, 1955: 206-207). However, Abdul Aziz's forces only re-

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<sup>66</sup> See Yapp, Malcolm (1987). *The Making of the Modern Near East 1792-1923*. (London: Longman). pp. 278-281.

<sup>67</sup> See the treaty in Goldberg, Jacob (1986). *The Foreign Policy of Saudi Arabia: the Formative Years 1902-1918*. (Cambridge, Massachusetts: Harvard University Press). Appendix B. pp. 193-198.

<sup>68</sup> The Importance of this oasis for Husayn would mean an extension of his dominions, 193 kilometres east of Khurma, and for Abdul Aziz Turaba would mean 16 kilometres west of Khurma. These considerations were important, as also was the fact that the control of that territory would mean an alliance with the Subai tribe and its grazing zone. Helms, *Op. Cit.* p. 201.

<sup>69</sup> The Emir of Turaba had adopted Wahhabism and tacitly came under the protection of Abdul Aziz, this being the reason why the emir requested the help of Abdul Aziz to fight the Hashemites forces.

gained the oasis of Turaba, thereby avoiding a change of policy by Britain, because of its support for Sharif Husayn.

Locally, Sharif Husayn approached the Rashidis in an attempt to seek an alliance against Abdul Aziz, preventing any possibility of an agreement between those two forces. In addition, he also approached some branches of the tribe of Utaiba and the sheikh of Qasim (Besson, 1980: 114). The relationship between Husayn and Britain started to deteriorate due to Husayn's claims of lack of support from Britain, which had promised him support to gain territories and thereby increase his authority. On the other hand, these claims were also made because of the British role in helping Abdul Aziz against the Shammar.

Husayn was authorised by the British to move southwards, taking control of some parts of territory under the control of al-Idrissi, as a means of diverting his attention from Najd. This measure provoked the fears of al-Idrissi who decided in 1920 to ask Abdul Aziz for assistance. Meanwhile, after the Khurma and Turaba incident, Husayn tried to form an alliance of the territories that surrounded Abdul Aziz's territories, such as those of Imam Yahya in central Yemen, the Emir of Kuwait and the Rashidis

The decision of Abdul Aziz to attack Hail was strategic. Given that the alliance between Britain and Husayn was still strong, both Husayn and Britain would have retaliated against him. Domestically, he encountered difficulty in obtaining support for his decision to attack Hail rather than Husayn, since religion was the *raison d'être* of the *ikhwan* forces and they considered Husayn an infidel.<sup>70</sup>

The defeat of the Shammar and the capture of Hail in 1922 completed Abdul Aziz's control over the trading routes leading to lower Mesopotamia and Syria,

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<sup>70</sup> Abdul Aziz had to gather all the notables and leaders of the *ikhwan* forces in order to gain their support and legitimacy to stop the attack towards the Hijaz, and instead to launch an attack on Hail. See Benoist-Mechin, Jacques (1955). *Le Loup et le Léopard: Ibn Séoud ou la Naissance d' un Royaume*. (Paris: Editions Albin Michel). pp. 212-217.

bordering the newly created British mandate of Transjordan, Iraq and Palestine.<sup>71</sup> After the capture of Hail, the *ikhwan* forces continued to make raids into the northern part of the peninsula, as well as into Transjordan, Palestine and Syria (Besson, 1980: 148).

The implications of these raids from a strategic point of view were important. The *ikhwan* control of *Wadi Sirhan* after the capture of Hail gave them the possibility of controlling a strategic area along the borders of the above-mentioned British mandates.<sup>72</sup> The British were also concerned about this zone because of their project for the construction of a railway between Baghdad and Haifa, passing through the south of *Wadi Sirhan* (Helms, 1981: 212-213). As mentioned previously, most of the raids occurred within the natural grazing zones of the tribes. The existence of the mandates created new boundaries and new alliances among the tribes, and also led to tribal animosities (e.g. Ajman-Mutair). Some of the raids were carried out by the *ikhwan* under the mantle of religious revivalism, especially those against the territories King Husayn's sons, in Iraq and Transjordan, after the events of the Turaba oases.

The necessity for defining clearly the boundaries of the British mandates brought about the negotiations at Muhammara, in May 1922, between Abdul Aziz and British representatives. These aimed at settling the borders of Iraq and Kuwait, but Abdul Aziz refused to ratify the treaty.<sup>73</sup> He faced further negotiations to limit the boundaries at Uqair in November 1922. The territories that he claimed in Iraq stretched from the right bank of the Euphrates up to Basra (Dickson, 1956: 272). These claims were not recognised, but some areas over which the Emir of Kuwait had exercised control, and which were claimed by Abdul Aziz, were granted to him.

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<sup>71</sup> Transjordan was created as a British mandate in 1921 at the Lausanne Conference and was confirmed by the League of Nations in 1923. The idea of an Arab Confederacy did not become a reality, and even Greater Syria was split into two mandates, according to the stipulations of the Sykes-Picot agreement between France and Britain. See Yapp, Malcolm *Op. Cit.* pp. 301-337.

<sup>72</sup> See Habib, John, *Op. Cit.* p. 109-110.

<sup>73</sup> The justification of Abdul Aziz's refusal to sign the contract was that the authority of the Zafir tribe and *dira* belonged to Najd. Vassiliev *Op. Cit.* p. 257.

In Dickson's words, the border imposed by the British representative, Sir Percy Cox, at Uqair in 1922, was a "linear one", depriving the tribes affected from exercising their ancient rights to move freely through them. The line was according to European standards and was not understandable to the nomadic population (Ibid. 276).

In spite of his signature on the Uqair treaty, Abdul Aziz refused to fulfil the stipulations and the protocols of the treaty. The tribes of the area, including those under his control continued to raid Iraq. However under the threat of a rupture of relations with Great Britain, he was forced to cease those attacks.

The capture of Hijaz in 1925 was undertaken against the background of Husayn declaring himself the Caliph in 1924, after the Turks had abolished the institution, and at the time Britain had stopped paying subsidies to Husayn. According to Armstrong, the application of higher taxes to the tribes, as well as an increase in the quotas for pilgrimage and the services, caused discontent. On the other hand, the maintenance of an army made Husayn rely more on mercenaries rather than on local and tribal peoples (Armstrong, 1934: 207-208).

The capture of Hijaz began in 1924 with the capture of Taif and Mecca. However, the British remained neutral in the struggle between Abdul Aziz and Husayn. Their justification was that the struggle was defined in religious terms, which were not of interest to Britain. The British were more interested in the stabilisation and consolidation of their mandates in Palestine, Transjordan and Iraq, as well as in the strategic considerations regarding the northern part of the Arabian Peninsula. Against that background, the treaties of Bahra and Hadda were agreed in November of 1924. They stipulated the boundaries between Najd, Transjordan, and Iraq and set regulations for the settlement of tribal issues that in the case of Iraq complemented the already mentioned agreements. The Bahra treaty established that Abdul Aziz's dominions in the north stretched to the area of *Wadi al-Sirhan*, with the British obtaining control of the

strategic corridor. On the other hand, the Rawalla tribe now came formally under the Najdi authority.<sup>74</sup>

In the south, in Asir, the forces of Imam Yahya in 1926 were trying to move northwards, threatening Asir and Tihama, areas that had been under al-Idrissi's control as a result of the treaty with Abdul Aziz in 1920. This situation resulted in the formulation of the treaty of Mecca between al-Idrissi and Abdul Aziz, which led to Asir being *de facto* integrated into Abdul Aziz's dominions. The treaty established that the role of Abdul Aziz was to defend the territory from internal and external aggression, leaving the administration of the province in the hands of al -Idrissi family.<sup>75</sup>

These treaties, and the final submission of the whole of Hijaz in 1925, together with the annexation of Asir the following year, completed a process of territorial, political and economic expansion of Wahhabism and of the central authority. However, it also created tensions among the different communities that were brought under the authority of Abdul Aziz. The best-known example of those tensions was the rebellion of some of the *ikhwan* forces.

The rebellion of the *ikhwan* forces started soon after the capture of Hijaz and after the demarcation of boundaries had been arranged with Britain. The *ikhwan*'s main leaders were al-Dawish from the tribe of Mutair, Sultan bin Humaid from the tribe of Utaiba, and Dhaidan al-Hithain from the Ajman tribe. After the capture of Hijaz, the tribal leaders had found themselves relegated in status. They were not given positions in the administration of the new province, despite their very important role in the capture of Hijaz and in the raids into the British mandates.

The rebellious *ikhwan* forces were also reacting to restrictions placed on their activities. Their mobility (especially for the tribes of the north which had been deprived

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<sup>74</sup> For a detailed analysis of the treaties see: Helms, Christine, *Op. Cit.* pp. 219-222.

<sup>75</sup> See Baldry, John (1984). "One hundred Years of Yemeni History 1849-1948" in Chelhod, Joseph (ed.). *L'Arabie du Sud: Histoire et Civilisation vol. II, la Société Yéménite de l'Hégira aux Idéologies Modernes.* (Paris: Editions G. P. Maisonneuve et Larose). p. 92.

of the trade centres of Kuwait and Iraq) was limited, and the religious *jihad* had been stopped. The rebel tribal leaders organised raids from 1927 until 1930.<sup>76</sup> Although, they were in clearly defiance of the treaties agreed by Abdul Aziz, they were basically trying to continue to survive or to live according to their ancient practices of nomadic life.

Abdul Aziz's policy for coping with the rebellion went through different stages and strategies. In the beginning, he tried to be conciliatory towards the demands of the *ikhwan*, following the advice of the *ulama*. Later, after continuous tribal raids into the neighbouring states had occurred, he initiated a policy of dividing the loyalties of the tribal leaders, by supporting subordinate sheikhs or subordinated branches when a tribal leader supported the rebellion. At the same time, he began to recruit townspeople because of their reliability. At the external level, British's concern over the revolt was reflected in her help to impose measures against the rebels in the territories under her protection. The *ikhwan* revolt was crushed in 1930, with the help of Britain. The revolt and its defeat meant the subordination of the tribal leaders to the central authority.

The shape and structure of the Kingdom of Saudi Arabia has been the result of the three dimensions covered here. None of them can be regarded as having more weight than the others, since as has been shown all three overlapped during the process of the formation of the state. The Kingdom of Saudi Arabia was declared formally in 1932. However, as will be explained, the road towards its consolidation was just opening.

### **3.3. The Development of Abdul Aziz's Authority**

In the context of Saudi Arabia, the existence of a nomadic way of life and the role of religion played a determinant part in the creation of the forms of authority. The

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<sup>76</sup> See Dickson, H.R.P. *Op. Cit.* pp. 285-318.

development towards a more complex form of authority, from patriarchal to patrimonial, will be analysed in this section. A patriarchal form of domination refers to the right of authority based on a historical claim and resting on an administration based on loyalty to the authority (Weber, 1991: 180). The establishment of Abdul Aziz's authority was based on the mandate received from his father and therefore linked to the historical claims of the Al Saud. It is on this basis that he received a set of rules and an "office" which had been created and shaped in the previous two Saudi states. However, Abdul Aziz and the process of expansion gave a new shape to the establishment of authority, transforming it into a patrimonial structure. According to Weber a patrimonial structure exists when the domestic power was decentralised to the children or another persons who are dependent on the family circle (Ibid, 1991: 758). The analysis given here focuses on stressing the bases of Abdul Aziz's authority, its exercise and the transition to a new form of authority anchored in religious and traditional values.

Regarding the succession of authority, the re-conquest of Riyadh by Abdul Aziz meant that the Abdul Rahman branch of the Al Saud had re-established control of the area that had been under their control during the second Saudi state. Following his successful campaign, Abdul Aziz acquired the mandate of authority from his father, Abdul Rahman, thus re-establishing primogeniture as a principle of succession.<sup>77</sup> The abdication of Abdul Rahman in favour of Abdul Aziz can be regarded as a strategy to overcome the problem of succession that Abdul Rahman faced in his time.<sup>78</sup>

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<sup>77</sup> In that sense, the succession become vertical, from father to son, in contrast with the horizontal transference of power that followed after the death of the Great Faysal and contributed to the decline of the second Saudi state.

<sup>78</sup> Abdul Aziz's authority was opposed by different groups and regions on several occasions. Within the family, he experienced challenges from the sons of his uncle Saud, known as the Araif. Firstly they allied themselves with the Rashidis, then with the Ajman in the revolts of Layla (central Najd), and later they established an alliance with the Hashemites. After Abdul Aziz defeated them, he arranged for each of the Araif to marry one of his sisters, neutralising the challenge of the Araif. For example Saud (leader of the Araif group) was married to Abdul Aziz's favourite sister, Nurah. See Bligh (1984). *From Prince to King: Royal Succession in the House of Saud in the Twentieth Century*. (New York: University Press). p. 17.



At the beginning of the third Saudi state, there was a division of authority between Abdul Rahman and Abdul Aziz. The notables of the city, especially the *ulama*, gathered in an assembly to swear the oath of allegiance to the new authority. Abdul Rahman intervened in favour of his son, transferring to him *de facto* authority declaring him to be Emir of Riyadh, and giving him an ancient sword that symbolised the day-to-day rule and command of the family forces (Lacey, 1981: 66; Almana, 1980: 42; Armstrong, 1934: 64; Philby, 1955: 240).

According to al-Zirikli, in his narration of the transference of power, the *ulama* conferred the right of the Imara to Abdul Rahman as the basis of the seniority principle. However Abdul Rahman responded to the *ulama* by transferring the authority to his son Abdul Aziz. The latter accepted on the condition that his father would supervise and guide him. (Al-Zirikli, 1991: 130). However, the transference or inheritance that Abdul Aziz received at this stage was only the title of Emir and *hakim*;<sup>79</sup> while Abdul Rahman retained the title of Imam. Despite this, most people continued with the practice of calling the emir 'imam' also.

In terms of the division of powers represented in the titles held by Abdul Aziz and Abdul Rahman, the first expressed the traditional religious authority and the headship of the Saudi family at both internal and external levels. In contrast, Abdul Aziz was the *de facto* authority trying to establish prestige as a leader and fighter and in that way to reinforce his legitimacy.

At the beginning of the third Saudi State, Abdul Rahman did have a certain influence and therefore some power; he was not a nominal and ceremonial authority, as is alleged by some scholars.<sup>80</sup> In the absence of Abdul Aziz, he was in charge of the administration of Riyadh, and helped his son to recruit levies for his forces. Furthermore, he negotiated with the Ottomans after the conquest of Qasim in 1905 on

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<sup>79</sup> *Ibid.* p. 13.

<sup>80</sup> Philby, *Op. Cit.* p. 240.

behalf of his son. At the beginning of the negotiations, the Ottomans wanted him to be ruler of Najd (Vassiliev, 1999: 219), but eventually they stipulated that their control was over Qasim and agreed to give Abdul Aziz authority over Najd. Later Abdul Aziz's influence was shown when he swayed the decision of the *ulama* to approve the *ikhwan* (Benoist-Mechin, 1955: 182-184; Bligh, 1984: 24).<sup>81</sup>

The transformation of Abdul Aziz's titles was also related to the development of his campaigns and the scope of his authority. After the annexation of Jabal Shammar, he was designated by the *ulama* and notables as Sultan of Najd in 1921. The title of Sultan was a form used to recognise the scope of his authority, which was based on the central part of the Arabian Peninsula. The defeat of the Hashemites brought another role for the Al Saud family, that of responsibility for "guarding" the two holy cities and the pilgrimage. The *ulama* and notables of Hijaz declared him King of Hijaz in 1926. The use of the title King was to enhance his authority in formal terms in the Hijaz region, since King Husayn had proclaimed himself as such in 1916. The *ulama* of Najd also proclaimed him as King of Najd, in order to give Najd the same status of Hijaz. The title of King began from that date, and in 1932 the Kingdom of Saudi Arabia was proclaimed.

Based on his experience of the problems faced by his father's succession, Abdul Aziz tried to avoid internal family strife of the second state, nominating his successor at an early stage. In 1933, the Emir nominated Prince Saud as Crown Prince, following the vertical and seniority principles established by his ancestors. He also requested the swearing of the oath of allegiance by the royal family, notables and *ulama*, but he could

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<sup>81</sup> According to Armstrong, Abdul Rahman at that stage was hardly participating in any public event, but he attended the meeting of Abdul Aziz with the *ulama*. What this represents is the importance of Abdul Rahman not only agreeing with his son in the implementation of his plans, but also the leverage of his religious stance *vis-à-vis* the *ulama*. Armstrong, H. C. *Op. Cit.* p. 112.

not avoid the conflict that arose from his own brothers, Muhammad and Abdullah over the issue of succession.<sup>82</sup>

The dynamics of the administration of the territories differed according to the stages of Abdul Aziz's campaign. As has been established in the previous section, his power base rested on the townspeople. Therefore at the local level, he appointed members of local families as his representatives, while at the regional level he appointed members of his family. In the first case the individuals were either members of merchant families of the area (some of those who had been in exile in Kuwait), or his companions during the capture of Riyadh. The practice of appointing relatives increased in the second decade of the twentieth century, as a result of the need to tighten control during the creation and spread of the *ikhwan* forces. These representatives were in charge of the collection of taxes (*zakat*) and the recruitment of levies for Abdul Aziz's forces.

Some examples can be given to illustrate how Abdul Aziz established his authority in the territories captured. In the case of the region of Qasim, he appointed Abdul Aziz al Sulaiman as Emir of Anaiza. He belonged to an important merchant family who had been in exile in Kuwait after the Rashidis had gained control of the area. The Emir of Buraida was Ahmad bin Muhammad al-Sudairi, a member of his own family and a companion in the capture of Riyadh (Vassiliev, 1999: 214-216).<sup>83</sup>

Scholars suggest that marriage was the means by which Abdul Aziz consolidated tribal links. However, he only married women from three different tribes. His first marriage was to a daughter of the leading family of the Bani Khalid tribe, before he re-established control of Riyadh. After his nomination as Emir of Riyadh, he married the daughter of Abdullah ibn Latif, from the Al al-Sheikh family. This was

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<sup>82</sup> Bligh, Alexander, *Op. Cit.* pp. 29-38.

<sup>83</sup> According to a report of the dessert patrol in Transjordan in 1937, the most important Emirates were governed by members of al-Saud family and some Najdis. Jarman, Robert L. (comp.) (1990). *Jeddah Diaries 1919-1940*. (London: Archive Editions). p. 499.

clearly an attempt to strengthen his religious credentials, although marriages between the Al Saud and Al al-Sheikh family had been common practice since the time of the first Saudi state. His third marriage was to the widow of the last Emir of Hail, a member of the Shammar tribe. He also married two women from the powerful northern tribal group the Rawalla, and three from the al-Sudairi, with which the Al Saud family already had links.<sup>84</sup>

As to Abdul Aziz's authority over the tribal population, this was to a great extent thanks to the creation of the *ikwhan* movement, which served both political and military purposes. As was explained earlier, his plan envisaged spreading the sedentarisation of the tribes and binding them to the central authority. The ideological outcome of this policy was that the nomadic population acknowledged the Wahhabi interpretation and pledged their obedience to Abdul Aziz.

In parallel to the administrative development, the King continued to invoke the traditional form of governance, specifically the tribal and Islamic practice of open *majlis* with the townspeople and the bedouin, and the extraction of *zakat*. The practice of open *majlis* was an opportunity to tie bonds with society in general and with the bedouins in particular. According to Almana, the King distributed goods among the people who attended these sessions, having a central warehouse to organise the storage and distribution of royal gifts. The bedouin received three gold pounds, a robe and a cloak, and if they had been of importance in terms of their role helping Abdul Aziz, they would receive more gifts (Almana, 1980: 177). In this way the King used the *majlis* to keep the loyalty of the bedouin and society in general following the bedouin customs

Another way of exercising authority over tribal groups and settled communities was through the extraction of payment of *zakat* and *khums* (one fifth of the booty captured during the tribal raids) from them. Although the *zakat* is a religious duty that

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<sup>84</sup> This is based on Less, Brian (1980). *A Handbook of al-Sa'ud Ruling Family of Saudi Arabia. Royal Genealogies*. (London: Stacey). Also see the Appendix of the Royal Genealogy, Lacey, *Op. Cit.*

represents the submission of individuals to God, Abdul Aziz, following the practices of his ancestors, made the *zakat* also a contractual relationship between the ruler and the ruled.<sup>85</sup> In the Saudi Government Memorial it is stated that:

“To claim effective possession is collection of taxes and preservation of public security. These imply the existence of an authority on the spot able to compel obedience; and this power to enforce its mandate is the basic test for determining whether or not a state has acquired effective control over people and territory...”<sup>86</sup>

According to this statement, the contractual relation was based on the recognition of the authority, on the one hand, and on the other, an acceptance that the authority had to protect the persons levied with *zakat*. The expansion of the dominions brought the application of another type of tax that had hitherto been considered unlawful or un-Islamic: the market tax or *maks* (Helms, 1981: 160-161). This occurred especially after the annexation of al-Hasa province and the Hijaz.

Once the expansion movement was finalised, the administration started to evolve towards a more complex form of organisation, making the structures of authority more institutionalised. This marked the evolution towards a patrimonial form of organisation. It is important to point out that the existing practices in each annexed area were taken into consideration, as the case of the Hijaz shows. The administration of that area was the main concern of King Abdul Aziz, as it was an area that had an organised authority and influential groups, such as the merchant families and the guilds. Therefore, the King issued a Royal Decree establishing the organisation of a Consultative Council under the authority of Faysal (Abdul Aziz's son) as Viceroy of the Hijaz. This Council exercised considerable authority, sometimes disagreeing with the

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<sup>85</sup> Christine Helms develops this issue, establishing the evolution of the *zakat* practice from the Prophet Muhammad and how it acquired different connotations according to the time and influence of the tribal customs. Therefore, the practice of religious taxes in the way that is portrayed by Abdul Aziz was a common practice for the rulers of the Arabian Peninsula. Helms, Christine. *Op. Cit.* pp. 151-178.

<sup>86</sup> Although as it can be appreciated, this application is made to sustain territorial claims like Buraimi Oasis, it reflects the implications of *zakat* to Saudi Authority. *Saudi Memorial Government* vol. I (1955). (Cairo). p. 495.

King on budgetary and commercial questions (Chaudhry, 1998: 71-72). The Council was replaced by the Council of Deputies, which was created in 1938.<sup>87</sup>

Another important feature of the transition towards a patrimonial structure were the changes introduced in the central administration. From the beginning of the 1930s, Abdul Aziz started to rely more on civil servants loyal to his authority, thus creating a form of government organisation. For example, the Ministry of Foreign Affairs was organised and headed by prince Faysal; the Royal Diwan was acting as an Interior Ministry; and the agency of finance was reorganised into a proper Ministry under Abdullah Sulaiman (from Najd). Abdul Aziz had several foreign advisors like Philby, Fuad Hamza (Deputy Minister of Foreign Affairs), Almana (Chief Translator in the Ministry of Foreign Affairs), Hafiz Wahba (Director of Education and later Saudi Ambassador in London), and Yusuf Yasin (Political Secretary). All of them were assisted by clerks and officers (Vassiliev, 1999: 293-299; Almana, 1980: 188-198). While the main appointments were decided by the King, posts of secondary importance were only subject to his approval.

Towards the end of Abdul Aziz's period, the administration of the Kingdom relied increasingly on the role of the princes. Apart from the Ministries of the Interior and Foreign Affairs, three more ministries were created; the Ministry of Defence (1944) under Prince Mansour, son of King Abdul Aziz and assistant to Prince Faysal in the administration of Hijaz; the Ministry of Health (1951) was created and headed by Abdullah ibn Faysal; and the Ministry of Communications in 1953 under Prince Talal, son of King Abdul Aziz (Huyette, 1985: 61).

The impact of the world economic crisis of 1930,<sup>88</sup> and the economic effects of the Second World War in 1944,<sup>89</sup> aggravated the Kingdom's precarious financial

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<sup>87</sup> The co-existence of this body and the Consultative Council for some time produced conflict between them. The King cancelled the Consultative Council and eroded the unity of the two principal Hijazi socio-economic groups, the guilds and entrepreneurs. Chaudhry, Kiren Aziz (1997). *The Price of Wealth: Economies and Institutions in the Middle East*. (New York: Ithaca Press). p. 74.

situation. The King implemented reforms in taxation with the aim of unifying the system and granted an oil concession to a foreign company.

The oil concession was given to Standard Oil Company of California. This company agreed to give Saudi Arabia a first loan of £30,000, and a second of £20,000, an annual rental payment of £5,000, and upon the discovery of oil in commercial quantities two payments of £50,000 each during the first two years (Vassiliev, 1999: 316). Oil was discovered in 1938 and after that further concessions were granted, enabling the government to increase its revenues from royalties derived from the extraction of the oil. From the late thirties onwards, oil became Kingdom's main source of revenue.

As has been shown, Abdul Aziz's authority during the process of the formation of the Kingdom of Saudi Arabia passed from one based on a patriarchal structure to one based on a patrimonial structure. Some scholars maintain that his success depended on the role played by foreign powers, but in fact that was only one factor; the dynamics of the local chieftancies and the internal politics of Wahhabism also played an important role in the establishment of a central authority in the Arabian Peninsula. The invocation of *de jure* authority, received from the legacy of his ancestors, was also critical. Furthermore, the exercise of this authority, re-adapting the ways of government following customary and religious practices, shaped the basis of the central authority.

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<sup>88</sup> According to Lacey, the Kingdom depended heavily on the revenues derived from the Hajj. In 1930 these revenues dropped from £5 million to £2millions. Lacey, *Op. Cit.* p. 229.

<sup>89</sup> In 1933, the general scope of these reforms was to centralise the extraction and spending of tax to the central authority where as previously the Emirs or governors were extracting the taxes and then expending them. In 1944, the reforms tried to unify the tax system of the Kingdom. Chaudhry, K. *Op. Cit.* pp. 58-62.

### 3.4. The Ulama in Abdul Aziz's Period.

*"I am like you, one of you. But I am appointed to direct the affairs of our people in accordance with the book of Allah. Our first duty is to Allah and those who teach the Book of Allah, the ulama. I am but an instrument of command in their hand. (part of a speech that King Abdul Aziz addressed to the ulama. Rihani, Ameen (1928). Ibn Saoud of Arabia: Maker of Modern Arabia. (Boston and New York: Houghton and Mifflin). p.201.*

Religious authority during the period of Abdul Aziz played a major role in the formation of the state. The *ulama* during this period adopted new forms to exert their authority as part of the ongoing process of state formation. Their most important contribution during this period was to provide the ideological bases of the Saudi state; after all, the use of religion as a cohesive force was the main component in establishing Al Saud authority. The *ulama's* role focused on the appropriation of the necessary tools and "domains" to enforce their role as guardians of Islam. For this reason, the analysis must first of all begin by stressing the importance of the *ulama* in maintaining *Wahhabi* practices in Najd, especially after the Rashidis' annexation of central Najd. This is followed by an analysis of the composition of the *ulama*, in order to determine their origins and their contribution. Of particular importance is the composition of the top *ulama* and the influence that the Al al-Sheikh family enjoyed in this group in general. The analysis will also study the ways in which the *ulama* participated in affairs of state and affairs of religion; this will be done by an analysis of their participation in the creation of the *ikhwan* forces and their role in the administration of the government.

The *ulama* were the bonds that preserved the continuance of Wahhabism in central Najd after the decline of the second state. For the *ulama*, the observance of the precepts of Islam and the unity of the Muslim community were more important than the legitimacy of the temporal authority, as happened during the civil war period in the second Saudi state. Therefore, indirectly, they kept Wahhabism alive after the annexation of Najd by the Rashidis.



One of the leading *ulama* from Najd and from the Al al-Sheikh family was Sheikh Abdullah ibn Abdul Latif ibn Sheikh Abdul Rahman ibn Hassan ibn Sheikh al-Islam. He stayed in Hail after the decline of the second state. The Emir of Hail, Muhammad ibn Abdullah, asked the sheikh to move to Hail in order to work as an *alim*. The sheikh stayed with the Rashidis where he continued to spread Wahhabism. Later, after the recapture of Riyadh by Abdul Aziz, he swore an oath of allegiance to the latter (Al-Sheikh, 1974: 134), although it was known that he was one of the persons initially detained in the tower of the city for refusing to acknowledge Abdul Aziz's success (Bassam, 1998: 220-221). Other members of the Al-al-Sheikh family who had remained in Najd under the Rashidis' authority were Sheikh Abdullah ibn Abdul Latif Al-al Sheikh, Sheikh Omar ibn Abdul al-Latif Al-al Sheikh, Sheikh Abdul Rahman ibn Abdul Latif Al-al Sheikh and his brother Sheikh Muhammad.

There were also cases of *ulama* who did not belong to the Al al-Sheikh family, but remained significant after power had shifted to the Al-Saud. For example, Sheikh Ahmad ibn Ibrahim ibn Hamad ibn Muhammad ibn Abdullah ibn 'Issa (from the Banu Zaid tribe), under the Rashidis, had been appointed as judge in Sadr and Mujama at Najd. But, after the re-capture of Riyadh by Abdul Aziz he no longer held this appointment but he continued to work (al-Sheikh, 1974: 264). In al-Hasa, Sheikh Aisa ibn Abdullah Akasa ibn Hasan ibn Othman ibn Aksa (from the Subai tribe) remained as an *alim* after the capture of this region by Abdul Aziz (Ibid.).

In line with the practice of the previous historic Saudi states, members of the Al Sheikh family were appointed to the main religious positions during Abdul Aziz's period of rule. At the beginning of the third state, the leading *alim* was Sheikh Abdullah ibn Abdul al-Latif Al al-Sheikh. He was the most senior religious advisor to the King, especially on the issue of teaching Islam in the bedouin settlements (al-Sheikh, 1974: 134-135). The influence that he exercised was enormous because he was in charge of

appointing the *ulama* for these settlements. In addition, his students, including members of his own family, came to occupy important posts during the period of Abdul Aziz and later.

Sheikh Abdullah ibn Abdul Latif was the creator and first president of the Committee for the Commendation of Virtue and Prevention of Evil. This Committee was established in 1903, with the aim of enforcing strict observance of the principles of Islam. The Committee had branches in all major cities in the area annexed by Abdul Aziz. Sheikh Abdullah ibn Abdul Latif was also the imam of the main mosque in Riyadh.

After Sheikh Abdullah's death, his nephew, Sheikh Muhammad ibn Ibrahim ibn Abdul al-Latif Al al-Sheikh, succeeded him in influence and in importance. The latter was recommended by his uncle to King Abdul Aziz to become the imam of the Al al-Sheikh mosque in Riyadh. After the death of his uncle in 1953, Sheikh Muhammad ibn Ibrahim became the mufti and president of the *ifta'*. He proposed to Abdul Aziz the creation of the first Islamic college in the Kingdom, and this was set up in 1952. Later, he acquired further positions in line with the development of new religious institutions during the periods of rule of Saud and Faysal.

It is clear to say that Sheikh Abdullah ibn Abdul Latif and Sheikh Muhammad ibn Ibrahim were the two most influential mentors in traditional religious education for the *ulama*, during the beginning of the third Saudi state until early 1970s, shaping the structure and role of the *ulama* in general.

The *ulama* did not form a homogenous group, and among themselves there were several debates over theological and political issues, especially between the Najdi *ulama* and the *ulama* from other regions. One notable example occurred when the *ulama* from Qasim differed with their counterparts of Najd on the issue of who were the

unbelievers.<sup>90</sup> In the opinion of the Qasimi *ulama*, the Turks and other Muslims should not be called unbelievers. One of the proponents of this position went into exile to Kuwait during the First World War, and another (Sheikh Abdullah ibn Omar) was condemned to death for his disagreement on this and other issues (Wahba, 1964: 99). It is also important to stress that Najdi *ulama* took over responsibility for the main post of the *ulama* in Hijaz; even the appointment of imams from the other three schools of law under the Hashemites were halted in favour of the Najdi and Hanbali *ulama* (Chaudhry, 1997: 94).<sup>91</sup>

The major ideological contribution of the *ulama* was their participation in the spread of the *ikhwan* movement. The acceptance of religion accompanied Abdul Aziz's authority to a large extent. The guidance and involvement of imams, judges and *mutawwa'a* in these settlements enabled them to influence people's beliefs and practices. The *ulama* of Riyadh, and especially Sheikh Abdullah bin Abdul al-Latif, determined which *ulama* participated in the spread of Islam.

Making use of the main manual, "The Three Fundamentals and their Proofs", which was used in religious teachings to the bedouin,<sup>92</sup> it is possible to state the general features of the way in which the religion was spread. The document is divided according to the three fundamentals of religion: knowledge of God, knowledge of the religion of Islam and knowledge of the Prophet. The first and second 'fundamental' of religion refer to the principle of *tawhid* and contain the notions of rewards for obeying God and punishments for disobeying him. Paradise is promised for those who obey, and condemnation to hell after death for those who disobey. These two eschatological notions of paradise and hell were strong and appealing for persons who had just

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<sup>90</sup> It is important to consider that the region of Qasim historically had been the centre of disputes among Al Saud, the Ottomans and Rashidis.

<sup>91</sup> There is a scarcity of sources to cover the issue of differences between Hijazi *ulama* and Najdi *ulama* during this period.

<sup>92</sup> Calverley, Edwin E. "The Doctrines of the Arabian 'Brethren' " in *The Moslem World* 11, (21). 364-376.

accepted Islam and Wahhabism, especially the notion of a paradise, which contrasted starkly with the hardships associated with bedouin life. In the first fundamental, the issue of *takfir* was placed very much at the core of *ikhwan* beliefs and practices, purveying a strong sense of intolerance towards and superiority over the unbeliever, and emphasising the exclusivist nature of the *ikhwan* movement: "It is unlawful for the believer to be associated with the ones who do not believe in God and His messenger (Calverley, 1921: 365).

The third religious fundamental presented in this document was knowledge of the Prophet, stressing how the Prophet migrated from Mecca to Medina in order to establish the community of believers, symbolising the abandonment of the nomadic life (seen as equivalent of *jahiliyya* or ignorance) and the adoption of a sedentary life and submission to God (Ibid. 373-374).

After the success of the *ikhwan* campaigns and the halt of the expansionist movement due to the delimitation of borders, the *ikhwan* began to complain and some of them to openly oppose Abdul Aziz's authority. The *ulama* confronted them and sided with the King. At the beginning of the opposition, the *ulama* agreed with some of the demands made to Abdul Aziz by the rebel leaders, in a Congress, in 1927, organised by King Abdul Aziz for the *ikhwan* leaders and the *ulama*. Some of the responses given by the *ulama* were in accordance with the demands of the *ikhwan*, such as those including the prohibition of the introduction of the new technologies, the abolition of the existing laws in Hijaz, the prohibition of the entrance of the Egyptian *mahmal*, and the prohibition of the *shi'a* to practise their rituals (Wahba, 1964: 134-136; Habib, 1978: 123-124).<sup>93</sup>

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<sup>93</sup> The *ulama* who signed this *fatwa* were from Najd. They were: Mohammed ibn Abdul Latif, Saud ibn Atik, Sulaiman bin Sahman, Abdullah bin Abdul Aziz al Atik, Abdullah al-Ankari, Omar bin *Salim*, Salih ibn Abdul Aziz, Abdullah ibn Hassan, Abdullah ibn Abdul Latif, Omar ibn Abdul Latif, Mohamed ibn Ibrahim, Mohammed ibn Abdullah, Abdullah ibn Zahim, Mohammed ibn Othman al Shawi and Abdul Aziz al-Shathri. Wahba, Hafiz (1964). *Arabian Days*. (London: Arthur Barker Limited). pp. 134-136.

The rebellion did not cease with this Congress. The demands of the rebel leaders became more radical in their content, expressing their dissatisfaction with the *ulama* for not enforcing the observance of Islam and not continuing with its spread, as the rebellious leaders were doing by declaring *jihad* in their expansionist campaigns. The position of the *ulama* regarding the issue of the *ikhwan* rebellion then changed and they closed ranks with the King.

What was at stake was the position of the *ulama* as interpreters of Islam. The rebellious tribal leaders challenged this, since they considered themselves the true defenders of religion. On the other hand, the tribal leaders constituted a rival group for the *ulama*, given their influence on King Abdul Aziz decisions to decide the politics of the expansion (Kechichian, 1993: 75).

After the capture of Hijaz and during the time of the *ikhwan* revolt, the *ulama* gradually became more organised with regard to their functions. At the top were the leading *ulama*, a group of fifteen *ulama* from Najd (headed by Abdullah ibn Abdul Latif and later by Muhammad ibn Ibrahim ibn Abdul Latif),<sup>94</sup> then the judges of each town or settlement, and finally the imams and *mutawwa'a* at the bottom. In each settlement the *qadi* had to deal with questions of religion, inheritance and commercial issues, while the Emir had to deal with questions such as taxation, preservation of order and conscription of soldiers. The Emir, thus, sat in litigation on issues related to these matters or in other cases where the *shari'a* could not be applied (Gouldrup, 1971: 276). However, as Gouldrup has pointed out the jurisdiction of each judge depended not only on his own prestige but also on the support of the Emir to enforce the legal decisions (Ibid. 277).

The *mutawwa'a* were agents of the central authority, since they were also in charge of the collection of *zakat* (Rihani, 1928: 203). The judges from Najd derived

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<sup>94</sup> According to the *fatwa* issued on the occasion of the demands of the rebellious *ikhwan*. See Wahba, H. *Op. Cit.* pp. 134-136.

their salary from the *zakat*, in agreement with individual authorisation from the King to the *Zakat's* superintendent (Wahba, 1964: 71).

After the annexation of the Hijaz, the unification of the law was decreed by Abdul Aziz, and the *ulama* from Najd were placed in a predominant position. The school that prevailed was the Hanbali school favoured by the Najdi *ulama*. At the same time, a court system was institutionalised in the Hijaz, following the Ottoman practices but applying the Hanbali school of law. Later this type of system was introduced throughout the rest of the Kingdom.

Another area in which the *ulama* had a considerable influence and a predominant role was education. This was in spite of the fact that when educational policies were introduced in 1930, the *ulama* were opposed to the Director of Education due to the inclusion of subjects such as geography, drawing, and foreign languages in the national curricula.<sup>95</sup> In spite of the *ulama's* stance at that time, these studies were introduced, although the curriculum was nonetheless mainly dedicated to the study of religion. Towards the end of Abdul Aziz's period, pupils in the first grade of primary school were spending 22 hours studying religion out of a weekly total of 28, decreasing progressively to 25% in the last year of secondary school (Gouldrup, 1971: 261-262). In each of the stages of education, there were schools solely dedicated to the study of religious subjects, such as the schools for the study of the Qur'an, the villages schools, the religious section of secondary schools (located in Taif, Mecca, Anaiza and Shaqra) and the faculty of Islamic law (Nallino, 1961: 437-439).

The participation of the *ulama* in politics was prominent in two areas, formally as representatives of the Hijaz population in the first Consultative Council, and as a

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<sup>95</sup> See Wahba, Hafiz. *Op. Cit.* pp. 47-52. According to interview c, the attitude of the director of education was not against religion, since he himself was a graduated from al-Azhar. Wahba was well regarded by the *ulama*. However, the reaction of the *ulama* was more related to their lack of knowledge on these subjects, and their attitude against anything that was foreign. This traditional *ulama's* attitude on issues of education continued until the decade of 1950. Also the interviewee established that the attitude of Wahba towards the *Hijazi ulama* was of respect and allowed them to keep their educational posts, as it has been the King Abdul Aziz policy to respect the socio-political system of the Hijaz.

pressure group on some external policies. In the case of foreign affairs, the *ulama* opposed the agreement between Abdul Rahman and the Ottomans in 1905, because of the obligations contained in this agreement. Another example was the Khurma and Turaba issue, where the *ulama* and the *ikhwan* leaders were pressing Abdul Aziz to help the Wahhabis. The pressure was intended to stop Abdul Aziz becoming an instrument of British policy in the region (Ibid. 211).

The *ulama's* participation in the process of state formation then was vital in reinforcing the central authority. Not only did the *ulama* keep alive the Wahhabi doctrines, but also participated in the creation of the *ikhwan* movement which, as has been pointed out, was crucial for the formation of the state. They also acted as a pressure group, reinforcing their role and that of religion on different occasions. Their reaction in relation to the rebellious *ikhwan* was to defend their own positions as the group in charge of the maintenance of Islam. On the other hand, the government had to turn to the *ulama* in order to declare that the rebellious leaders were not legitimate and to act against them. The *ulama's* support of Abdul Aziz was aimed at strengthening their place in the consolidation of the central authority. The central authority strengthened the role of *ulama* by incorporating them in its plans for the development on of the Kingdom.

### **3.5. Authority during Saud and Faysal Periods**

During the reigns of King Saud ibn Abdul Aziz (from 1953-1964) and King Faysal ibn Abdul Aziz (1964-1975), society and state underwent continuous transformation due to the consolidation of the state and government. This section analyses how the difference between the two monarchs regarding the direction of the

country produced changes that affected the articulation of power and forms of authority in the Kingdom. This re-definition of the relationship will be reviewed by analysing how the organisation of the state defined domains for the *ulama* and the government in particular, as well as for other social groups. The definition will be framed in its own context, addressing the issue of conflict between the two Kings Saud ibn Abdul Aziz and Faysal ibn Abdul Aziz, and the socio-political situation of the Kingdom. Finally, factors such as the insertion of the Saudi economy into the international economy, and the regional and global events that affected the Kingdom will be examined with the aim of highlighting the scope of the relationship between the *ulama* and the government.

Much of the re-organisation of the religious authority contributed at this stage to the *ulama*'s strength and formalised their authority *vis-à-vis* the government and society in general. The *ulama*, as is shown here, were systematic in their support of before the King —as in the case of the *ikhwan*— and the recently created governmental structure. Rather than oppose the changes, as they did in the case of their opposition to television, or girls' education, they generally cooperated with the government in order to guard Islamic values, and to continue to be the "state ideologues".

One of the main institutional changes was the creation of the Council of Ministers by King Saud, following the decree of his father. However, he was not as concerned as with the role of this new institution, as he was with the traditional forms of government. But the demands of the new wealth and the aim of guarding the new state *vis-à-vis* the so-called radical regimes<sup>96</sup> caused Prince Faysal to give greater emphasis to the government.

At first, the functions of the Council were defined broadly: "To examine, decide, and recommend on almost any matter in Saudi government administration" (Huyette,

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<sup>96</sup> Towards the second half of the 1950s countries like Egypt, Syria and Iraq had secular regimes stemming from a military coups d'état. In contrast Saudi Arabia, Jordan, and Morocco were considered conservative, due to the difference in forms of legitimation and the alliance with extra-regional powers. See Kelidar, Abbas 1967. "The Struggle for Arab Unity" in *World Today* 23, (7): 293-294.



1980: 66).<sup>97</sup> However, there was latent competition between the Royal Diwan of Saud and the Council that made difficulties for the administration of the state. In fiscal policies the King established in 1955 the nullification of income tax on the grounds that it was incompatible with Islam; meanwhile, Prince Faysal in the same year issued a law declaring the continuation of taxes (Chaudhry, 1997: 78).

The way in which Saud exercised his authority was mainly through the reinforcement of religion domestically as a means of protection against the spread of foreign ideas and values (such as Arab nationalism, communism and socialism). The strikes in ARAMCO (the Arab American Oil Company) in 1953 and 1956<sup>98</sup> exacerbated the possibilities of a threat. He introduced the prize for the memorisation of the Qur'an in 1954. Meanwhile the *ulama* issued a *fatwa* banning students from going abroad (Abul Rahman bin Qasim 1978: 217). King Saud also gave more power and funding to the Committees of Public Morality (Vassiliev, 1999: 340). On the other hand, he continued with Abdul Aziz's practices in his approach toward nomadic population.

During the reigns of Faysal and Saud, society underwent major changes as a consequence of the demarcation of the state and the appearance of the oil wealth. Thanks to the oil revenues, the state became the main supplier of work in the central administration through the creation of different ministries and departments. Education was given much greater emphasis, especially when Faysal was King. The latter

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<sup>97</sup> The Council was composed mainly of princes, and only three ministries (finance, commerce and health) were occupied by commoners.

<sup>98</sup> The 1953 strike stemmed from the working conditions of local workers in Dhahran. The living standards of the senior workers were high, living in their own compounds and enjoying luxuries denied to the locals. The complaint of the workers was against the company policy of discrimination, since there were no locals in the intermediate and upper echelons of the company. They went on strike again in 1956 because their situation has not been improved, and they also protested against the renewal of permission to the United States to use Dhahran Air base. This happened as mentioned, within a context of regional changes that produced fear in the authorities about the consequences of these activities for the security and integrity of the royal family and the country. See Lackner, Helen (1978). *The House Built on Sand: A Political Economy of Saudi Arabia*. (London: Ithaca Press). pp. 95-98; Salamé, Ghassan (1993). "Political Power and the Saudi State" in Hourani, A. Philip S. Khoury and Mary C. Wilson (eds.). *The Modern Middle East: A Reader*. London: I. B. Tauris; 579-600; Buchan, James (1982). "Secular and Religious Opposition in Saudi Arabia" in Niblock, Tim (ed.). *State, Society and Political Economy in Saudi Arabia*. (London: Croom Helm). pp. 111-114.

development involved heavy reliance on the need to meet the demands for skilled and semi-skilled personnel; but at the same time was a source of suspicion and threat since such people brought with them "new ideas" to the local people. Gradually society became differentiated not only on traditional terms of tribal and settled peoples, but also the generation of jobs and economic activity caused the emergence of another way to situate socio-economically persons in Saudi society.<sup>99</sup>

The external and internal situations were difficult for the country. The royal family was in a difficult position because of its internal rivalry<sup>100</sup> and the external arena looked uncertain. However, the family reached a consensus through a senior member, Prince Saud ibn Abdul Rahman, who gathered together all the factions from inside the royal family, along with tribal and religious leaders, in order to give Faysal full powers in 1958, leaving only the ceremonial duties of King to Saud (Ibid. 64).

With Faysal as Prime Minister, and President of the Council of Ministers, the Council acquired more power, enabling it to ratify the internal and external policies. A Royal Decree issued in 1958 gave the Council responsibility for regulatory, executive and administrative functions. From that date, the Council was the final authority for financial affairs, treaties and international agreements (Huyette, 1980: 69). On the other

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<sup>99</sup> See the study of Saudi society by Rugh, William (1973). "The Emergence of a New Middle Class in Saudi Arabia" in *The Middle East Journal* 27, (1). 7-21 and Heller, Mark and Nadav Safran (1985). *The New Middle Class and Regime Stability in Saudi Arabia*. Harvard Middle East Paper. (Cambridge, Massachusetts: Harvard University Press).

<sup>100</sup> At this time a division inside the Royal family emerged as a consequence of the publication of a memorandum addressed to the king criticising his internal and foreign policy by a group of princes, Abdallah, Talal, Badr, Fawwaz, Nawwaf, Abd al-Muhsin and Majid. Mordechai, Abir, (1988). *Saudi Arabia in the Oil Era: Regime and Elites, Conflict and Collaboration*. (London: Croom Helm). p. 67; Yizraeli, Sarah (1997). *The Remaking of Saudi Arabia: the Struggle between King Sa'ud and Crown Prince Faysal 1953-62*. (Telaviv: Moshe Dayan Centre for Middle Eastern and African Studies). pp 55. This faction mainly consisted of the younger princes, the last three representing the al-Sudairy branch of the royal family. Talal and Fawwaz full brothers of an Armenian concubine and Abdallah, who was the eldest prince in the group, had tribal links (Shammar tribe). The appearance of this faction and the publication of the memorandum appeared after certain measures taken by King Saud regarding the nomination of some posts contravened the balance between different elements in the royal family. In general, the dismissal of Talal was regarded as an indication to younger princes that they would not have any impact in policy-making. Furthermore, the appointment of commoners loyal to Saud and the appointment of his son as Minister of Defence, created the feeling that Saud was preparing his son to become his successor Bligh, (1984) *Op. Cit.* p. 60

hand, the Presidency of the institution saw an increase in its role since, according to the Royal Decree, it was to direct the general policy of the state. The President of the Council had to coordinate the activities of the various ministries and to supervise them (Ibid.).

Immediately after assuming his functions as Prime Minister and President of the Council of Ministers, Prince Faysal started to try to improve the economic situation. He established an austerity plan with the help of the International Monetary Fund (IMF) and the World Bank. The repercussions of this on the day-to-day politics in the Kingdom once more exacerbated the rivalries. One of the major steps taken by Prince Faysal was to separate the family budget from the state budget, and to reduce the stipend of the royal family. This, as Lackner points out, caused resentment among some members of the royal family (Lackner, 1978: 62).

In spite of the success of Prince Faysal's economic programme and its positive effect on the economy of the kingdom, Saud reclaimed his full powers. Taking advantage of the discontent with Faysal, especially among the younger princes he regained his power in 1960. Prince Talal was appointed as Minister of Finance and Prince Abdul al-Mohsin was nominated as Interior Minister. However after the first year the alliance between Saud and these princes ended with the exile of the princes.<sup>101</sup> They were pushing for more progressive policies, but Saud refused to implement these policies because of the antagonism they could provoke among conservative groups in the country.

As a result of these events, the conservative elements (especially the *ulama*) shifted their alliance to Prince Faysal. They were concerned about the progressive elements associated with King Saud, and the repercussions which their ideas would

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<sup>101</sup> This faction of princes composed by Talal ibn Abdul Aziz, Abdul Mohsen ibn Abdul Aziz, Badri ibn Abdul Aziz, Nawaf ibn Abdul Aziz and Saad ibn Fahd were known as liberal princes by analogy with the free officers who established the Nasserite government in Egypt. They criticised the monarchy and pronounced in favour of constitutional reform. They settled in Egypt and enjoyed good relations with Nasser. See: Lackner, Helen. *Op. Cit.* pp. 90-92.

have on traditional and religious values. The Mufti, Sheikh Muhammad ibn Ibrahim, and Sheikh Hassan al-Sheikh (the Head of the Committee of Public Morality) sent a letter to King Saud reminding him of the role of the Mufti in supervising the laws and giving rulings in areas related to *shari'a* (Vassiliev, 1999: 359). One example of the attitude of the *ulama* at this time was the *fatwa*, by the Mufti banning the importation of books containing ideas against Islam. The contents of libraries had to be checked in order to guarantee that they would only contain the proper books (Abdul Rahman al Qasim, 1978: 111-120).

The *ulama*, as in the case of the period of Abdul Aziz, were once more defending Islam as the main source of values at a time when the unity of Saudi society was being threatened from within and from external sources, represented mainly by ideologies such as pan-Arabism and socialism. They opted to ally themselves with Prince Faysal, who would have a moderate approach towards the introduction of changes and would maintain the unity of the country.

Faysal was reinstated once again in command of the country as nominal King in December 1961, when King Saud went abroad to receive medical treatment. Faysal took advantage to consolidate his position *vis-à-vis* King Saud. He changed the composition of the Council of Ministers, bringing in more commoners, and giving the post of Minister of Education to one of the religious scholars, Sheikh Hassan ibn Abdallah Al al-Sheikh. The bestowing of this particular position on the *ulama* formalised a role which the *ulama* had in fact been performing for a long time.

At the external level, Prince Faysal opted to face the threat of pan-Arabism by invoking Islam and by reasserting the role of Saudi Arabia as a guardian of the Muslim Holy places, in an attempt also to gain internal legitimacy before the *ulama* and other moderate or conservative elements. In 1962, he supported the creation of a non-governmental organisation of religious scholars named the Muslim World League, in

which the Mufti of Saudi Arabia was to play an important role. The organisation was aimed at the promulgation of Islam as an antidote against pan-Arabism. Also in 1969, he supported the establishment of the Organisation of the Islamic Conference, an inter-governmental institution. Another important measure was the welcoming to Saudi territory of religious groups such as the Muslim Brotherhood who had been expelled from Syria and Egypt. The brotherhood was to participate in the foundation of an Islamic University in Medina in order to challenge the nationalised Egyptian Al Azhar University (Mordechai, 1993: 42). The coup d'état in Yemen in 1962, with the support of Egypt, combined with the growing activity of opposition groups,<sup>102</sup> played in favour of the consolidation of Prince Faysal. Saud tried to recover his position, but Faysal successfully manoeuvred the different socio-economic groups and the family to close ranks with him.

In the aftermath of his re-installation in power in October 1962, Faysal launched the Ten Points Programme. This set out his strategy for creating consensus among the different tendencies in Saudi society. For the reformist or progressive groups, he proposed three new initiatives: the creation of a fundamental law in accordance to the *shari'a* and Qur'an; the independence of the judicial power through the creation of a ministry; and the revision of the Public Morality Committee. For the conservative groups, the programme was framed in terms of respect for Islam. For the *ulama*,

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<sup>102</sup> The main oppositionist groups were mainly secularist and were influenced by communist and socialist ideas. Among those groups were: the so-called "free officers", the free princes, the Communist party, the Union of the People of the Arabian Peninsula, the Socialist Front for the Liberation of the Peninsula. The "free officers" were Saudi pilots who had flown to Egypt seeking exile, immediately after the outbreak of hostilities in Yemen. The free princes were associated with the Arab National Liberation Front (a result from the division of the Saudi communist party) which started to launch public attacks on the Saudi regime, they were in favour of a constitutional regime and a referendum to decide whether to have a monarchical or republican regime. Its programme sought a revision of the oil policy and the abstention of any alignment with any extra-regional power. Nasser supported this organisation. The Communist party was in favour of close relation with the Soviet Union, the nationalisation of the oil companies, the formation of labour unions, parties, equality of citizens and the establishment of a republican regime. This organisation was against the royal family and any form of capitalism or economical liberalisation. The Union of the People of the Arabian Peninsula was close to socialism and in favour of the end of the monarchy. The Socialist Front for the Liberation of the Peninsula was advocating the autonomy of the Hijaz region. All these groups started to appear after the strikes in ARAMCO and they were active especially in the 1960s. See Salamé, *Op.Cit.* pp. 596-598.

specifically, the fourth point highlighted their role as the group that would provide solutions to the new problems, based on the *shari'a*. The proposal involved the formation of a High Council of *Ulama* and jurists to deal with new problems. For society, in general, Faysal wanted to improve living standards, providing the population with free medical services and education, and giving subsidies to the poor. For the commercial groups he proposed reforms to encourage the recovery of the economy.<sup>103</sup>

Within the royal family the arbiter of the dispute was the senior prince, Muhammad ibn Abdul al-Aziz, and in 1964 the intermediary between King Saud and the family was the Mufti Sheikh Muhammad ibn Ibrahim. This was an old practice established from the first Saudi state by which the *ulama* had exercised an important role on the process of legitimating the transmission of powers. The *fatwa* issued on March 1964 acknowledged that differences between the princes existed and that they had attempted to overcome them. However, taking into consideration that civil strife and chaos threatened to emerge as a result of the differences endangering the country, the *ulama* decided that King Saud could continue as the King in ceremonial terms, but Prince Faysal would carry all responsibilities for internal and external affairs. The *fatwa* ended with an exhortation to God to grant success to the legal guardians of the nation — a reference to Prince Faysal who had become the legal guardian of the Kingdom.<sup>104</sup>

The *ulama*, who endorsed this *fatwa*, were twelve. Four of them were from the Al al-Sheikh family: the Mufti, Abdul al-Latif ibn Ibrahim director of the Bureau of Institutes and Colleges; Abd al Malik ibn Ibrahim, Head of the Public Morality Committee; Umar ibn Hassan, head of the Public Morality Committee in Najd, Eastern and Northern frontiers area; and Abdul al Latif ibn Ibrahim, Director of the Bureau of Institutes and Colleges. The others were distinguished *qudat* from Mecca, Medina (Mohammed ibn Ali al Harakan who later became the first Minister of Justice) and

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<sup>103</sup> See the programme of reforms in Vassiliev, A. *Op. Cit.* pp. 364-365.

<sup>104</sup> See *Middle East Journal*, (1964) 18 (5). pp. 352-353.

Riyadh. Ibn Baz also signed this *fatwa* as vice-president of the University of Medina.<sup>105</sup> Eventually in November, after pressure from members of the royal family, King Saud resigned and Prince Faysal became King.

The *ulama*'s involvement consisted of giving Faysal the oath of allegiance and pronouncing their *fatwa* in his favour. In this particular situation, they were only sanctioners of a decision already reached inside the royal family. At the same time, their stance in favour of King Faysal accorded with the previous practices of the *ulama* faced with a threat to the unity of the *umma*.

After this family crisis, the steps introduced by Faysal were designed to reduce the possibility of another crisis. He appointed Prince Khaled as a Crown Prince, after Prince Muhammad (next in kin) renounced the post. He appointed Prince Fahd as the second vice-president of the Council. Later King Khaled designated Prince Fahd as his successor and first vice-president of the council and Prince Abdullah as a second vice-president. As it is appreciated nowadays, this formula has been repeated in the transference of powers after the death of Khaled and in the appointments of King Fahd.

The organisation of authority was also reflected in the inclusion in government administration of areas that traditionally had been the prerogative of the religious sphere. For some scholars this institutionalisation produced a differentiation between religion and politics, contributing to the bureaucratisation of the *ulama* (Al Yassini, Ayman, 1985: 79), and the evaporation of the *ulama*'s political power (Bligh, 1981: 49). The creation of the Ministry of Justice, the Board of Senior *Ulama*, and the reforms of the Committee of Public Morality are regarded as causes of the decline of *ulama* autonomy *vis-à-vis* the government, and the reduction of their power.

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<sup>105</sup> Abdul Aziz al-Thatri, Abdullah ibn Humayd (former chief *Qadi*, Court of Appeals, Mecca), Abdul-Aziz ibn Salih (Chief *Qadi*, Medina), Sulayman ibn Ubayd (former Head of the *Sharia* Court in the Eastern province), Abdul Aziz ibn Rashid (Chief *Qadi*, *Sharia* Court of Appeals, Riyadh), and Abdul Rahman ibn Faris (Deputy Chief *Qadi*, Riyadh). *Ibid.* p. 353.

The above-mentioned analysis is derived from the idea that prior to the institutionalisation, all the main functions identified with the *ulama* were under the control of the *ulama* through the office of the Mufti, especially those related to judicial matters. The creation of the Ministry of Justice, in 1971, by Royal Decree, removed the prerogatives concentrated in the Mufti's office. Although formally the Minister is responsible to the King, neither this new authority nor the creation of non-*shari'a* regulations, damaged the autonomy of the judicial system. Regulations issued between 1962 and 1975 were aimed at supporting the autonomy of the judicial domain. According to Vogel, they are formal guarantees of judicial independence: firstly the interference of a minister in a *shari'a* court matters is regarded as a crime, and secondly it is aimed at preventing interference by the provincial governors. The Board of Grievances is prohibited from hearing any matter that has to be handed to *Shari'a* Courts and according to the judiciary regulations of 1975, the Supreme Judicial Council has the task of monitoring the behaviour of the *qudat* and deciding their fate. (Vogel, 1993: 776-770).

Another misconception about the judicial system is related to the existence of specialist courts which do not base themselves on regulations themselves on the *shari'a* (Layish, 1984:33). The fields that are outside the *ulama*'s competence are in fact few, and deal with matters such as commercial disputes and government administration. Also, it should be borne in mind that even these regulations are supervised by the religious authorities since the King can not enforce them without the final approval of the *ulama* —if not formally, at least informally (Vogel, 1993: 568).

The Board of Senior *Ulama* (*Hay'at Kibar al-Ulama*) was established in 1971 by Royal Decree. Its role is to give opinions on all matters referred to it by the King, on the basis of the *shari'a*, and to give religious guidance to *wali al amr* (authority) in the



creation of rules.<sup>106</sup> According to the Royal Decree 23742, the Council is presided over by a Secretary General who is supervised by the Council of Ministers. The second person of authority within the Council's hierarchy is the President of the meetings, a position that is rotated among the five eldest members of the Council. It meets once every six months or at other times of emergency. Each member received five thousand riyals for each session attended.

The Board of Senior *Ulama* is supported by the Institute for the Issue of Religious Opinions and the Supervision of Religious Affairs (*Dar al Ifta wa al -Ishraf ala al-Shuun al Diniya*). Membership of this institution is also appointed by Royal Decree and some of its members (if not most of them) also belong to the Board. In general, both organisations deal with the issuing of *fatawa*, both related to Islamic rites and to sensitive and public political and religious issues. The president of this Institute is generally the General Secretary of the Council of *Ulama*, having the prerogative to designate the members of the Permanent Council of the *Ulama*, according to article 9. This will be discussed in the following chapters.

The presidency of the Committee for Commanding Good and Forbidding Evil was set up in 1976, with Sheikh Abd al-Aziz bin Muhammad bin Ibrahim Al al-Sheikh as its General Director. Faysal had promised in his ten-point programme that the Committee would be reformed. Lackner points out that this reform was expected to restrict the Committee's actions (Lackner, 1978: 66). This did not happen in the 1960s,

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<sup>106</sup> According to Royal Decree 23742, one important aspect contained in this decree is that membership is not restricted only to the Saudi highest specialists on *Shari'a*. Membership can be granted to a non- Saudi religious scholar. At this time 17 *ulama* were appointed: Sheikh Abd al Aziz ibn Baz, Sheikh Abdallah bin Humaid, Sheikh Muhammad Al Amin al Shanqati, Sheikh Sulaiman bin Abid, Sheikh Abdullah Hait, Sheikh Saleh al Luhaydan, Sheikh Abd al Raziq, Sheikh Saleh bin Gazun, Sheikh Muhthar Aqil, Sheikh Muhammad al-Harakan, Sheikh Abdul al Aziz bin Saleh, Sheikh Muhammad al Jubair, Sheikh Abdallah bin Gadian, Sheikh Abdullah bin Manea, Sheikh Rashed bin Hanin, Sheikh Abd al Majid bin Hassan and Sheikh Ibrahim ibn Muhammad ibn Ibrahim. In 1976 two members were added Sheikh bin Qaud and Sheikh Muhammad al Uthaimin by Royal Ordinance. See Al-Sanidi, Abdullah (1995). *Marahil tataur tanzimu al-'idara al-hukumiyya fi al-mamlaka al-Arbiyya al-Saudiyya wa lamahat min 'injazatiha* [Stages of the Progress of the Organisation of Government Administration in the Kingdom of Saudi Arabia and its Achievements]. Riyadh. p. 239.

a period characterised by the activities of some opposition groups.<sup>107</sup> As a result, the *mutawa'a* did not reduce its activities in this period since Faysal's strategy was to maintain social and religious values enforced by them. The reformation of the committee activities occurred in 1979.<sup>108</sup>

During King Faysal's period, then, the administration and infrastructure of the state were shaped and systematised. The administration, as has been mentioned above, underwent transformations associated with the formalisation of practices into institutions and the creation of new institutions in order to cope with the growing needs and requirements of the country. The role of the Council of Ministers was consolidated as the main agency for managing the public affairs, as an advisory body to the King and as an institution whose aim was to implement all the policies derived from it (Huyette, 1980: 77). Although the Minister of Education was the *ulama*'s formal representative on the Council, the role and importance of the *ulama* did not in fact decrease during this period.

The fundamental role of the *ulama*, particularly in the consolidation of the Saudi state, was based on cooperation, since they played an important part in keeping society together in times of internal and external crisis, for example during the succession crisis and when threats arose from radical movements during the 1960s. The formalisation of the structures of authority reflected both past and new practices in order to cope with the requirements of modern times. The incorporation of the *ulama* into the government apparatus did not by any means, signify their loss of role and power.

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<sup>107</sup> Especially in 1969, there were several coup d'état attempts. See Lackner, Helen. *Op. Cit.*

<sup>108</sup> "According to the Royal Decree 37/m 1979 and Council of Ministers resolution 171 are: "to protect Islamic duties, rites and guidance of people and enforcing the religious duties that are laid down in the *shari'a* and to encourage the performance of those duties, to prohibit evil by preventing banned traditions and unaccepted innovations, to apprehend those who are practice or are accused of practising these traditions or innovations or are lax in performing the duty of *shari'a*; to question such persons in the presence of a representative of the governor of the region in the case of important issues". Sani, *Op.Cit.* p. 239.

## Chapter Four

### Creating and Recreating the Norms

A main component in the ongoing process of legitimacy is its maintenance. The creation and recreation of the norms contribute to maintaining the legitimacy of the political system. Conformity to the norms (legal, social and religious) entails the continuous practice of those norms by the agents whose acts produce and reproduce them. The practice of the norms by the agents underlies the social character of the legitimacy, while the importance of the practices maintains the legitimacy of a political system. In the case of Saudi Arabia, religion has played and still plays an important role in providing a framework for those norms and values. Far from being rigid these norms, with the passing of time and facing the challenges emanating both from outside and inside, have been able through their practice to adapt to the challenges.

Crucial for the understanding of how legitimacy is maintained is the role played by the *shari'a* and by its interpreters: the *ulama* and the government. In spite of the emergence of government regulations and committees to develop these regulations, the *shari'a* has not lost its predominance in the Kingdom of Saudi Arabia.

In this way, it is possible to conceive the *shari'a* as a metanorm by the term used by Salvatore. According to the latter, the *shari'a* is a metanorm, in the sense that it is the norm that regulates other norms, keeping its discourse homogenous and sustaining its symbolism (Salvatore, 1998b: 296). The *shari'a* has undergone periods of redefinition and transformation in every Islamic society, as Salvatore's analysis of Egyptian society shows. He acknowledges that the appearance of national legal tribunals, far from diminishing the importance of the *shari'a*, strengthens it by setting the tribunals within the context of the *shari'a*. Or, as Carré has contended in the case of Saudi Arabia, in spite of the duality of the legal system and despite the fact that for every norm there is another way, the *shari'a* is always the point of reference (Carré,

1982: 244). But this has to be accompanied as well by the appearance of a public space, where different actors can also contribute towards the establishment of the public character of Islam, by conforming their vocabulary to the metonym. This denotes the activity of social agents, creating and recreating the normativity of the *shari'a*. The normative character of the *shari'a*, stressed by Salvatore, is to a great extent due to the character/modality of the *shari'a* to be able to categorise what is right and what is wrong (Ibid. 297). This ability underscores the role of the *ulama* in contributing to the maintenance of the role of the *shari'a* over other sources of regulations.

The interpretation of the values and norms derived from the *shari'a* makes the role of the *ulama* particularly important. After all, they are the social agents who, on the one hand, state the public virtues of the believer and the citizen (Salvatore, 1998a: 89-119), and on the other, who categorise those who are conforming to these values and norms and those who do not. As Asad contends, what the *ulama* are doing is to attempt to reorder knowledge that governs the "correct" form of Islamic practices (Asad, 1993: 210). He adds that in order for the *ulama* to exercise authority in a time of constant change, their discourse, and therefore its interpretation, has to be anchored in a dominant narrative of the present anchored in a positive evaluation of the past (Ibid.).

The government as portrayed in the works of Ibn Taymiyya is the enforcer of religion and the guardian of the Muslim community. Therefore the government becomes accountable in terms of its commitment to religion. Government acts come to be determined by reference to the *shari'a* and to past practices. The transformation of authority in Saudi Arabia, especially in the political arena has to a great extent been managed so as to keep the system anchored to its religious commitment.

The object of this chapter is to analyse how in a period of constant transformation, and facing challenges from outside, the Saudi political system has managed to keep its legitimacy and to retain the two types of authority: the government

and the official *ulama*. The aspects of legitimacy that are the focus of this chapter are the legal system of Saudi Arabia (in order to understand what is the role of the *shari'a*), the *ulama* and the government as responsible for the formulation and implementation of policies validated by the *shari'a*. However, the legitimacy is not only based on a compliance with legal norms, but also on the maintenance of the agreement between society and government on the norms and values that sustain their relationship. Here an analysis is presented of how society and the role of its members are defined by the *ulama*, and how the resulting conceptions are enforced by the government; especially as regards family and women's issues. These sections are followed by a study on how the *ulama* participate in the formulation and practice of government regulations dealing with the public domain, stressing the conflict and cooperation in this domain. Furthermore, the question of the definition of Saudi Arabia as the leader and/or guardian of the international Muslim community is examined. This role necessitates a foreign policy anchored on Muslim beliefs, thus reinforcing the government's own legitimacy internally at the same time.

#### **4.1. The Articulation of Legality in the Legal system**

The configuration of the legal system of Saudi Arabia has been the result, to a great extent, of the relationship between the *ulama* and the government and of the increasing challenges that the Saudi Arabian Kingdom has faced. The development of this legal system will be elucidated stating how the *ulama* and the government have shared a quota of control, some times based on co-operation and at other times on conflict with one another. The main objective of this section is to analyse at a structural level the articulation of legality, examining the areas where the *ulama* have the upper

hand and the areas under the control of the governmental institutions, and how both interact in the production and reproduction of the legitimacy.

The application of justice in Islam is divided into two spheres: issues dealing with the court and issues dealing with *ifta'* (giving a religious opinion). According to Vogel, the first domain represents the administration of justice by a court, where the compliancy to the resolution of the cases is very important. This sphere involves issues of adversarial cases, rules of evidence, binding judgements and state enforcement of the resolutions adopted by the court. In contrast *ifta'* and the religious opinions given by the Mufti dealt mainly with issues of religious rituals, and those opinions are non-binding judgements, since their implementation is left to the individual's commitment to God principles (Vogel, 1993: 218).

In general terms, it is possible to state that the *ulama* still have a considerable role to play, since the *shari'a* courts are the prevalent institution for applying the law in the Kingdom, even in cases that may be considered outside their jurisdiction. The government is allowed to produce new regulations concerning affairs related to commerce, labour and other "secular" areas, but is not completely independent, since the *ulama* participate, in informal and formal terms, in order to ensure the fulfilment of the *shari'a*, and their role in the legal system.

The development of the Saudi legal system can be traced through three periods. The first period began in 1926, after the conquest of the Hijaz with the proclamation of "the fundamental instructions" enacted to govern the newly annexed province of the Hijaz. Later, with the socio-economic and political challenges emanating from the oil revenues, the legal system underwent change from the 1950s to the 1970s. Lastly, with the creation of a Saudi basic law in 1992, further changes to the legal system were introduced.

### ***A. First phase 1920-1950***

The bases of today's judicial system are to be found in the system employed in the Hijaz in the late 1920s, within the framework of "The Basic Instructions of the Hijaz" in 1926. The establishment of a Consultative Council formally introduced the idea of an institution in charge of studying the laws proposed by the King, and in the case where a proposal of law was created by the Council it had to be submitted for the approval of the King. Later the legal system of the Hijaz would serve as model for the unification of the legal system in the Kingdom.

The legal system under the Instructions established three types of trial courts, modelled more on the Ottoman courts than on the ones existing under the Hashemites, and followed mainly the Hanbali School.<sup>109</sup> These courts were the Expeditious Courts (also known as Summary Courts), the Grand *Shari'a* Court and the Commission of the Judiciary. The Expeditious courts were themselves composed of three different types. The first dealt mainly with criminal cases and some civil cases. The second level was the one that dealt with bedouin affairs and also disputes raised with urban dwellers, and finally a third court dealt with cases that fell outside the jurisdiction of the first two courts. The cases presented in these courts were put before a *qadi*. In the towns and cities of the other provinces in the Kingdom, it was the third type of court which was present (Al-Rasheed, 1973: 53). In the Grand *Shari'a* Court, the cases heard were mainly civil and involved severe cases of crime. This court was composed of three *qadis*.

The highest judicial authority was the Presidency of the Judiciary. At the beginning with the promulgation of law, a commission attached to this office had the faculty to review the cases of appellation, as well as having the power to give legal

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<sup>109</sup> The substantive law has been Hanbali since 1928, but in cases that can cause hardship or contravention, it is possible to refer to the other schools. Al-Rasheed, Muhammad S. (1973). *Criminal Procedure in Saudi Judicial Institutions*. (Unpublished PhD Thesis, University of Durham). p. 28.

opinions on matters not included in the jurisdiction of *shari'a* courts (Solaiman, 1975: 94). But after 1931, another institution was created, the Committee of Revision, composed of five members. The president of the committee was the major *qadi* of the province and an intermediary between the King and this institution (Nallino, 1939: 37). However, the President of the Judiciary became after this committee the authority to hear appellation cases, but in those cases that involved the major penalties the verdict required confirmation by the King. However King's intervention was more in theoretical terms than in practice. The King always had to avoid interfering, leaving the cases to the *ulama* or referring correspondent authorities; only in cases where there was a clear miscarriage of justice procedure would he intervene (Vogel, 1993: 760-761).

At the same time, other types of courts were established to deal with commercial affairs, since the Hijaz economy was mainly based on trading activities. A Council of Commerce located in Jeddah was created in 1927. It was originally composed of one president, six members, all with experience in the commercial affairs, and one *qadi*. The members of this tribunal were appointed by the King. In 1931 a commercial code composed of 630 articles was promulgated, following the lines of the Ottoman commercial codes (Al-Hamad, 1973: 164).

By contrast in the other provinces, especially in Najd, the judicial system was relatively simple; the cases were heard by a *qadi*, who was nominated by the King from among the senior *ulama* in each town and city. The *qadat* were appointed according to their credentials as learned men and did not receive money for carrying out justice.<sup>110</sup> This system of law was still competing with the customary law, especially in the non-urban areas (Gouldrup, 1971: 276).

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<sup>110</sup> See third chapter.



### ***B. Second phase 1950-1970***

The next phase was marked by the unification of the judicial system formulated by King Saud in 1952, although this was not implemented until 1960.<sup>111</sup> The unification brought the judicial system under the control of the Presidency of the Judiciary (at the head of this institution was the Chief Judge) based in Riyadh. The presidency enjoyed a great control over the legal system, as the most important functions were concentrated in this office. At the beginning, the presidency was occupied by Abdullah ibn Abdul al-Latif al-Al Sheikh, who also had other roles including being the King's adviser for religious issues on such activities, as the appointment of *ulama*; he also was acting as Mufti and was acting before the unification of the legal system as the maximum source of appellation. During the sixties, Mohammed ibn Ibrahim ibn Abdul Latif became his successor as adviser, *mufti*, president of the high judicial authority and as the chief judge. According to the regulations <sup>112</sup> introduced by King Saud, the office of chief judge carried complete control over all matters related to the *shari'a* courts and religious affairs, including the issues of hiring, suspension and dismissal of judges and other employees in this area. Under the Presidency of the Judiciary's jurisdiction were all the employees of religious organisations and the committees of public morality, imams and preachers (although they were dependent on the Directorate of Awqaf for their salaries), as well as all the teachers in the mosques.

The Council of Ministers through its legal committee, and in general the ruler (or head of state) or his representatives enjoyed the facility (still applicable today) to create new regulations, but this had to be done following the principle of the public interest (*maslaha*), and had to comply with the *shari'a*. However, even in these cases, the *ulama* participated in two ways. The formal way was through the Presidency of the

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<sup>111</sup> "Regulations for Determining Responsibilities in the Sharia Court System" approved by Royal decree 109 (1952-53). (Mecca: Government Press). Articles 82-85.

<sup>112</sup> *Ibid.* article 3.

Judiciary, since in the formulation of a new regulation a representative of the judiciary had to be present, and the law also had to have the approval of the Presidency (Al-Rasheed, 1973: 30). The informal way that remains up to the present time is the weekly meeting that *ulama* that is held between the senior *ulama* and the King, where issues like the elaboration of new regulations can be discussed.

The high judicial authority discouraged the formulation of new judicial codes, perhaps motivated by the desire to keep control of all the aspects of the judiciary, but in issues related to areas not specified by the *shari'a*, they did occasionally permit the existence of semi-tribunals, council and committees to deal with such cases. What was behind their attitude, as was suggested in the previous chapter, was their "natural" reaction to keep their own fields for themselves and to rationalise the changes in the terms known to them. Al-Rasheed makes some remarks explaining the *ulama's* reaction. Firstly, the *ulama* considered that the creation of codes would contravene the *shari'a*, and also would prevent the judges from exercising *ijtihad*, since the codes would be a substitute for the Qur'an and *shari'a*. Secondly, the *ulama* were afraid of loosing control of the judicial system, since the creation of new codes would motivate an adoption of foreign legal systems to the detriment of *shari'a*. And thirdly, the idea was held by a number of *ulama*, that these new regulations could only be initiated by a *mujtahid* (a religious scholar who can develop an un-precedented legal reasoning), the number of whom is limited (Ibid. 32-33).

At this stage of the development, great control over the *shari'a* court was exercised by the *ulama* in general, including those areas that were strictly religious but connected in formal and informal ways by the legal system. Even in the cases of commercial law, which will be examined in more detail later, they continue to have a role.

In 1954, the Board of Grievances (*Diwan al Mazalim*) was established in order to deal with all the complaints of citizens about governmental ministries and departments, disputes between the ministries, and the disputes of the contractors with the government. The creation of the Board represented the effort of the government to fill the gap between the *shari'a* and the necessities of a modern state (Wilson, 1991: 126), following Islamic and Saudi traditions. In the beginning, the Board was attached to the Council of Ministers, but became independent by royal decree in 1955, although it still reports to the president of the Council of Ministers.

The introduction of a new code of commerce in 1965 complemented the previous one. This new code focused on establishing the role of national corporations, their administration and legal rights, the rights and duties of the persons involved and their dealings with the government (Al-Hamad, 1973: 132). As a result a special Committee was set up to deal with disputes among the commercial corporations, covering also foreign companies established in the Kingdom, composed of *shari'a*-trained judges or former judges (Al-Rasheed, 1973: 66). Although the *shari'a* is considered to set the criteria on the issue of contracts, it was the government that created regulations concerning the registration process of the companies (Al-Hamad, 1973: 170-171).

Next to these two institutions was the Committee for Securities in charge of hearing the cases of frauds in securities, cases violating the law of commercial agencies and the law of weights and measures. The appellations cases of this committee went directly to the Minister of Commerce and Industry. Another important set of bodies established in 1961 was the Committees of Commercial Fraud Control aimed at regulating all commercial goods. All these commercial committees came under the jurisdiction of the Minister of Commerce and Industry. Other new codes established around 1970s were the Social Security and Labour regulations.

The major re-organisation of the judicial system occurred amid the period of King Faysal under his reform programme, which included the creation of a Ministry of Justice.<sup>113</sup> Basically the re-organisation resulted in the decentralisation of the main functions of the high judicial administration into separate structures. The office of mufti and his functions were transferred to the Grand Council of *Ulama* supported by the administration of the institution called Religious Research, *Ifta*, Propaganda and Guidance (created in 1953) and whose role is going to be analysed in the next section. The control over the employees of the mosques passed completely to the Minister of Pilgrimage and Awqaf, and the control over the religious police become an autonomous agency attached to the Minister of Interior. Meanwhile, the administrative power of the judicial system was located in the President of the Judiciary, who would become later the Minister of Justice. The Appellate Commission had ceased to exist in 1954, but recommenced activity under the judicial commission reorganised in 1971 under the name of the Supreme Judicial Council that was also in charge of the supervision of the legal system (Al-Rasheed, 1973: 64).

Under this major reorganisation, the Supreme Judicial Council was given the task of the supervision, nomination and discipline of the judges, and it continued to remain as the authority to hear appellations cases related to maximum penalties and matters referred by the King, the Minister of Justice, as well as *shari'a* related matters. The other cases entered into the jurisdiction of Board of Reviews, an institution that is attached to the Council. The Supreme Judicial Council is composed of eleven members from which five are full time and are appointed by the King, the other six members are the President of the Council who is also appointed by the King, the President of the Board of Reviews, the Deputy Minister of Justice and three senior judges from the principal courts in the main cities (Vogel, 1993: 298).

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<sup>113</sup> See third chapter.

The Board of Grievances was also restructured under the new regulations of 1982; the board acquired new functions such as the execution of foreign judgements and the tribunals dealing with the employee disciplinary regulations.<sup>114</sup> The Board has become, since the decade the 1980s, the most important judicial organ dealing with matters not related to *shari'a*, although it composed of *shari'a* training members, these are helped by experts on technical and legal issues. It refuses to try any case that would overlap the jurisdiction of *shari'a* courts.<sup>115</sup> Among all the committees and tribunals, the board has remained the most stable and has been able to broaden its jurisdiction to include all commercial issues, except those related to banks. The Grievances Board is crucially important for the implementation of new regulations and at the same time constitutes a link between the tribunals and committees and the *shari'a* courts (Vogel, 1993: 562).

In spite of the changes mentioned above, the *shari'a* courts have been the prime source for the application of law. Even in those cases where jurisdiction is not clear, the *shari'a* had gained prominence. If a dispute is presented to the Board of Grievances and to the *shari'a* court, the latter one will try the case. The notion behind the *shari'a* courts hearing cases that do not fall within their jurisdiction follows the principle that every case brought under the *shari'a* court has to be heard, although the case may not fall within the jurisdiction of the court (Al-Rasheed, 1973: 34).

### **C. Third phase (1990's)**

During the last decade, internal and external events prompted the formulation of the Basic Regulations System and other major changes in the institutions mentioned above. The economic deficits that followed the fall in the price of oil increased social and political tensions between the state and society. These tensions become more acute

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<sup>114</sup> Article 9 "The Regulations of the Grievance Board" in *Contemporary Jurisprudence Research Journal* 10, (3): 80.

<sup>115</sup> *Ibid.* article 9.

due to the external events related to the invasion of Kuwait and the so-called 'Desert Storm' operation (this will be the object of study in the following sections).

In spite of the fact that the Basic Regulations are man made,<sup>116</sup> they emphasise adherence to the sources of Islamic law, which regulate daily life in the Kingdom. The principal novelty was the establishment of a Consultative Council in 1993. Among the functions attached to the latter was its participation in the formulation and suggestions of amendments to regulations, referred to the president of the Council and submitted to the King.<sup>117</sup>

On the issues related to the administration of justice, the law promulgated issues that were currently in operation as in article 46: "The judiciary is an independent authority. There is no control over judges in the dispensation of their judgements except in the case of the Islamic *shari'a*".

The sensitive issue regarding the boundary of the tribunals and *shari'a* courts is reflected in article 48:

"The courts will apply the rules of Islamic *shari'a* in the cases that are brought before them, in accordance with what is indicated in the Book and *sunna*, and statutes decreed by the ruler which do not contradict the Book and the *sunna*".

As pointed out by Vogel, this article can satisfy the advocates in favour of the application of regulations in the court and those *ulama* whose opinion is that the above article makes reference to the ability of the judge to decide either to apply *shari'a* rulings or the King's regulations. Additionally this article can be regarded also as underlying the responsibility of the *qadi* to decide when a regulation is contradictory or not to the *shari'a* (Vogel, 1993: 589-590).

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<sup>116</sup> It is important to point out that the in the committee in charge of the formulation of the basic law, two out of 11 members were religious scholars. Muhammad ibn Jubayair, at that time Minister of Justice and currently the president of the Majlis Shura (Consultative Council) and Rashed Khnain a prominent religious leader. Aba-Namay, Rashed (1993). "Constitutional Reform: A Systematization of Saudi Politics" *Journal of South Asia and Middle Eastern Studies* 16, (3). 53.

<sup>117</sup> Article 23 of the regulations of the Consultative Council BBC SWB ME/1319/A/4 (3 March 1992).

The role of the *ulama* through this general study of the evolution of the legal system has shown to be predominant, especially during the 1950s and 1960s when the main religious and judicial functions were located in the role of mufti. However the changes introduced by the government in terms of the creation of new institutions and regulations was done more or less with the approval of the *ulama*. Some times the government overlooked the opinion of the *ulama* on the implementation of laws (Ibid. 568), but this related to laws dealing with worldly affairs and not with religious issues. The *ulama* still kept the monopoly over the interpretation and application of *shari'a* law, and furthermore the *shari'a* remained the base for the other tribunals or all of which contained the experts in *shari'a*. Also in the practice of trials the jurisdiction of *shari'a* court remains the prevalent form at the present. "It is a matter of time before the new areas are going to be assimilated under the dominion of specialised *shari'a* courts", according to interviewee E.

Some have argued that what was happening was that the *ulama* were being passed over by the formulation of new government regulations. But in fact the *ulama* were consulted and expressed their opinion in the formulation of government regulations and their implementation. Moreover, these regulations were not in contradiction with the *shari'a*, and their jurisdiction was rather limited in contrast with the application of the *shari'a*. This demonstrates, then, how important the religion factor was and how significant the role of the *ulama* has remained for the articulation of legality.

Nowadays the challenges to the legal system, according to interviewee E, are two. Firstly, the challenge emanating from the integration of the Saudi judicial system (based on the Islamic framework) into the new international order, entails the need to prevent any conflict with Islam. The second is the problem arising from a select group

of individuals benefiting from the judicial system, which is in direct contravention to the egalitarian tents of Islam.

#### **4.2. The Roles of the Ulama and the Government in Society**

The earlier sections have explained the importance of *shari'a* for the legal system, along with the role of the *ulama* and the government in its application. The construction of the structure of the legal framework is also the result of the practices and beliefs that have been held by Saudi society. Therefore this section's main objective is to analyse the role of *ulama* as the main agents that create and recreate the norms of Saudi society, as well as the role of the government in recreating and enforcing those norms. This analysis is accompanied, firstly, by a number of considerations on the nature and the development of the practice of issuing religious opinions (*ifta*) institutionalised by the state, in order to understand the repercussions on the dynamics of Saudi society. Then a study of how society recreates and maintains its beliefs and social practices through the analysis of a number of *fatawa* is presented, focusing on how they recreate the roles of each member of the society.

The main activity associated with the role of the *ulama* is *ifta*. However, as the state started to formalise the role of the *ulama*, *ifta* also became institutionalised. Through this institution the official *ulama* issued *fatawa*, either in the form of regulations and answers to the challenges faced in daily life or as opinions dealing with some governmental policies and collective social issues. The *fatawa* are not binding since their compliance depends on the commitment of individuals to the religious tenets. The opinion expressed by the mufti is directed toward a questioner (*mustafti*) whether in connection with litigation or not. This is in contrast to the resolutions of the court



including adversarial cases, where rules of evidence are enforced by state authorities on religious grounds (Masud, Messik and Powers, 1996: 3).

As has been mentioned in the first chapter, from the time of Muhammad's death, his companions were deemed responsible for expressing opinions on the correct practices of the Islamic religion and on problems arising from daily life. Later, in the time of the Umayyads, this activity become formalised and associated with the state. However, the expression of religious opinions was circumscribed not only to those persons chosen by the authorities, but also to private individuals. Ibn Khaldun describes *ifta* as the second function after prayer. He also recognises the difference between muftis chosen by the authorities, holding positions in the main mosques and those in mosques of lesser importance or who advise people from their houses (Khadduri and Liebesny, 1955: 250). The historical importance of the muftis lies in their contribution for the development of fiqh through their fatawa (MacDonald, 1937: 1047-1048).

In spite of the formal role given to *ulama* nowadays, the appropriateness of *ulama* issuing a *fatwa* depends on the public's appreciation of the individual. In the case of Ibn Baz, he was appreciated as a true Muslim by the majority of the population,<sup>118</sup> in addition to his role as the Mufti of Saudi Arabia. In the same way a person who is known for his knowledge and devotion towards Islam can give advice on private grounds. People seek advice from others knowledgeable in religion. Also from the opinions given to the researcher, people tended to hold in high esteem those *ulama* who follow a modest way of life and who are independent in their opinions from any source of *de facto* power.

Nowadays in order to be qualified to issue a *fatwa*, the scholar has to graduate from University and afterwards to attend a *da'wa* centre (learning how to call people to Islam) to practice for a period. After this period of practice the Ministry of Religion will

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<sup>118</sup> This expression of 'true Muslim' denotes legitimacy (in the consideration of the persons interviewed) given to Ibn Baz. The author gathered impressions from different persons, not only from religious scholars, but common people, especially after Ibn Baz's death in May 1999.

issue a permit certifying that he can issue a *fatwa*. Although, an *alim* can still give his opinion in private, only those *ulama* who have the government permission can publish their *fatawa*. The introduction of formal education and the creation of the instances of practice constitute a difference from previous practices, where religious knowledge was transmitted by the traditional religious circle (*halq*).

The creation of structures of administration in Saudi Arabia has incorporated past practices regarding the appointment and positions of *ulama*. Saudi *ulama* have not been the exception to the historical development of *ulama* in general as, already examined in the first chapter. From the beginning the majority of *ulama* were dependent on the state. During the two historical states, the majority of the important posts were occupied by members of the Al al-Sheikh family. Simultaneously, the Al al-Sheikh high ranking *ulama* were the mentors of the *ulama* through the traditional religious studies, and also selected the candidates for the different posts. In spite of the introduction of formal education and the increasing number of students, the importance of the religious teachers as mentors continues to play a significant role.<sup>119</sup>

The issuing of religious opinions or *Ifta* also has been associated with the *de facto* power during the Wahhabi movement until the organisation of state structure under King Faysal was established. A specific office to carry out this activity was formally set up in 1971, under the direction of the Mufti and also as part of other functions, namely the research department and the spread of Islam call. The twenty-one members of the Board of Senior *Ulama*, including the Mufti, are employees of the state, since they receive their salaries according to the categories of any public servant. In the 1980s the *Ifta* department acquired a strong presence at the regional level, opening subsidiary offices at this level. People can write or telephone these offices in order to

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<sup>119</sup> As an example, from the current composition of the *ulama*, Ibn Baz apart from having his own religious qualification, he had been an student of the previous Mufti Muhammad bin Ibrahim bin Abdul Latif Al-al Sheikh.

ask for an advice. The King or any other authority can request the *ulama*'s opinion on particular issues.

*Ifta* is an important source for the definition of norms, and especially if it is supported by the state it becomes the main source. By stating not only how to perform the religious rituals and duties in daily life, but also by stating, in terms of Salvatore, the virtues of a good Muslim and good citizen (Salvatore, 1998a: 87-119), the *ulama*'s role then is paramount to the legitimacy of the government. The government depends on the *ulama* to elaborate and reinforce public policies, such as women driving, issues related to *zakat*, and banking as is going to be examined later.

Regarding the *ulama*'s role in creating and recreating the norms and social practices attention is given to some of the *fatawa* from the Mufti Ibn Baz, as they became an important source of those norms and practices. Importance has to be given to how these *fatawas* are elaborated, since their content also represents a recreation of the fundamentals of religion and historical practices. The enforcement of these opinions by the government and the social practices is examined here in order to show how society conforms to the content of the religious opinions.

In an address to students in *Umm al Qura* University, entitled "the Duty of Muslims toward their Religion and their World" (Ibn Baz, 1992: 5-13), the mufti portrayed a vision of the society according to the Qur'an and *sunna*, where the principles of the society and the roles performed by members of the family are spelled out. The core of this *fatwa* was to stress the importance of being knowledgeable about God and His religion, and exhorting or inviting each Muslim to practice Islam. The *fatwa* began by stating the obligation of carrying out the practices prescribed by God through his Prophet and by the Qur'an and *sunna*. These practices had to follow the basic tenets of Islam. The importance of *tawhid*, the fundamental tenet of the Wahhabi movement, was stressed in this *fatwa*. Devotion and submission to God had to be done

according to *tawhid*, stating the command of sincere devotion, and the importance of the worship of God alone.

Ibn Baz emphasised the need of the individual to show his devotion to God by doing good deeds. The believer must abstain from the practices forbidden by God like “polytheism, adultery, theft, consumption of intoxicants, disobedience, ingratitude to parents, disconnection of family ties, and devouring the wealth of the orphans and others” (Ibid. 1992: 8).

A good society, then is described in terms of the roles assigned to each member believing and practising Islam. The symbolism used here in order to denote the commanding and enforcement of religion is the figure of a guardian, preserving the religious precepts. The ruler is a guardian of his subjects, the man is a guardian of the family and the woman is a guardian in the house of her husband and she is responsible in her house. The means to carry on the practice of the religion is based on co-operation among Muslims, especially in acquiring knowledge on Islam. For that reason, it is important for all Muslim to concentrate on the study of the Qur'an and *tafseer* (for all Muslims and especially for students, boys and girls). They must listen to preaching and public lectures; those who do not do so are considered unbelievers.

The sense of duty in each Muslim and member of the Islamic Saudi society is stressed by Ibn Baz: everyone in society must try to teach each other in a good way, in order to prevent them from doing any wrong. In particular, he makes reference to the important role of the “caller”, who does so “with wisdom and with good preaching arguing with them in the ways that are best and most gracious” (Ibn Baz, 1992: 11),<sup>120</sup> by accepting the truth and putting it into effect. The parents are responsible for raising a family with a knowledge of God, since bringing up a good family is a prerequisite for a good society.

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<sup>120</sup> See also Ibn Baz, Abdul Aziz (1982). “Prerequisites of Muslim Preachers” in *Proceedings of the Fifth International Conference of World Assembly of Muslim Youth on 'Islamic Dawa'*. (Nairobi, Kenya, April 1982). pp. 97-113.

“The young must be ordered to perform the prescribed prayer at seven years of age, and at ten they must observe the rites of Islam. They must be warned against the things that are forbidden, such as neglecting the duty of prayer, the consumption of intoxicants and drugs, smoking, shaving beards, wearing long dresses, listening to singing...” (Ibid. 13).

In another *fatwa* about the duty of the Muslim youth (Ibn Baz, 1989a: 5-9) Ibn Baz stresses *tawhid* by stating that any individual who worships any other God but Allah is a blasphemer and unbeliever. The same applies to those who do not perform the five pillars of Islam, or when they practice homosexuality, the consumption of alcohol or being disobedient to their parents. The advice given in this *fatwa* is accompanied by expressing the necessity to learn religion, and stressing that the most important thing after the profession of faith is the performance of the five daily prayers (Ibid. 9).

These *fatawa* are very illustrative about the world portrayed by the Mufti and the official *ulama*. There is a strong sense that community mobilisation is needed for the learning of Islam and the practice of its teachings in daily life, supported by the roles associated with each individual, whether they be rulers, parents or children. This approach was also emphasised by interviewee C, who said that the main duties of the family centre around religion, keeping the truth faith, learning religion and holding good values and customs (which includes the segregation of men and women and obedience to one's parents).

From the world portrayed by the mufti in his *fatawa*, the way that society recreates that vision is important to consider, since this indicates on one hand, the acceptance of the *ulama*'s authority and, on the other, how society and government conform to religious and traditional principles. One of the main principles stressed in those *fatawa*, the importance of acquiring religious knowledge, is carried out in two ways: the formal educational system and the traditional or informal system. The informal studies such as the circles (*halaq*) of study in the mosque, are very important

for children and for adults.<sup>121</sup> The children are encouraged to memorise the Qur'an through the existence of national competitions sponsored by the government. Women also have their informal studies through gatherings with the so-called sheikhas.<sup>122</sup>

The state, together with the *ulama*, has enforced the learning of Islam, but not always in cooperation, as the time spent on religious subjects at school has been decreasing. Towards the end of Abdul Aziz's reign twenty-two hours out of twenty-eight per week at primary level were spent on religious subjects. By the early 1980s to the present the amount of time spent on religious subjects has changed substantially. At the elementary stage (for children between six and twelve years old), twelve hours per week out of a total of thirty-two hours were dedicated to religious subjects like Qur'an, Qur'anic intonation, Islamic jurisprudence and Islamic traditions. At the intermediate level eight hours out of thirty-six weekly hours were spent on religious education. The secondary school programme covered thirty-six weekly hours, where 4 hours were spent on religious studies, and finally at the university level the students spent 3 sessions per week on religious studies (Al-Zaid, 1981: 75-81). The absolute number of both women and men studying religion has increased in recent years. In 1980, the number of students enrolled in religious studies was 5264, by 1990-1991 the number had increased to 13,928 and had increased still further to 22,184 students by the year 1994-95. However, in comparison to the total number of students enrolled each year, the percentage intake of students pursuing religious studies has decreased from 15.32% in 1980, to 11.70% in 1990-1991 and to 11.16% in 1994-1995.<sup>123</sup> The importance of Islam, as was stressed by some academics blurred the line between those studies which deal with religious subjects and the ones which are considered as "secular". The

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<sup>121</sup> While conducting one of the interviews with a religious scholar, the researcher noticed the importance of the number of followers (formal and informal students). She was told that this scholar has approximately around "seven hundred students" attending his formal and informal study groups.

<sup>122</sup> 'Sheikhas' is the name given to the women who are known for their knowledge in religion and their activity in teaching.

<sup>123</sup> Ministry of Higher Education. *Statistics for Higher Education*. Riyadh. (Several volumes).

attainment of knowledge is regarded as an important religious duty, as related to the benefits that an educated person could bring to the community, according to interviewees a and b.

The television and radio also play an important role in the religious education of society. In the case of national television, programmes are shown about the life of the Prophet. The *ulama* take part in question and answer programmes where the public can telephone and ask for advice. Recitations of the Qur'an mark the opening and closure of broadcasts. In general, the media policy followed by the State is set within the frame of religion, historical and cultural values of the Kingdom, aimed to enforce the obedience according to the religious precepts to God and the Ruler. This policy has as an objective the protection of religion, traditions and enhancing the Islamic values according to the principles established by royal decree.<sup>124</sup>

Nowadays with the influence of satellite, television, the internet and mobile phones, new sources of discourse are reaching Saudi society, especially the young generation. Interviewees H and O considered that the younger generation were not as interested in religion as earlier generations.<sup>125</sup> Problems have arisen as a result of competition between the "traditional" and local sources of discourses and the new ones. During the Faysal period, there was a demonstration by some *ulama* and conservative people against the use of television broadcasting. After negotiations, the *ulama* accepted the use of television as a method for spreading Islamic beliefs.

The issue of the use of satellite dishes caused a "conflict" between government and *ulama*. During the Gulf War satellites were introduced but it was not until 1994 that the *ulama* opposed their use.<sup>126</sup> The government banned them in March and again in

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<sup>124</sup> See Article XIX (1991). "Silent Kingdom: Freedom of Expression in Saudi Arabia". (London, International Centre Against Censorship, Article XIX). pp. 9-12.

<sup>125</sup> For an analysis of younger generation attitudes to modernisation see: Yamani, Mai (2000). *Changed Identities: The Challenge of the New Generation in Saudi Arabia*. (London: Royal Institute of International Affairs). pp. 15-22.

<sup>126</sup> Arab Press Service (25 June 1994); Arab Press Service (2 July 1994).

July. The Ministry of Interior announced that only programmes from the satellite channels that were in agreement with religious and social values could be broadcast.<sup>127</sup> However it was not rare to see how people have contravened those regulations and have installed satellites dishes.

The researcher observed that some teenagers, mainly from the middle class and upper middle class, appear torn between exposure to the West and the local notions of identity. The adoption of western fashion and music was clearly very popular among the younger generation. On the other hand, their curiosity about the West was not synonymous with a lack of religion, since some of them were very religious. Although the opinion of the researcher can not be generalised, it is important to be aware that not all young people in Saudi Arabia are exposed to modern technology, satellite and Internet. Regarding the latter, in 1998 unofficial estimates suggested that in Saudi Arabia there were around 30,000 users and it was expected by 1999 that the figure would increase by 100, 000 users with the introduction of local companies providing internet services.<sup>128</sup>

The *ulama* are trapped in the middle of different types of discourses. Their way of life stands in contrast to other styles and ways of life, with the increasing use of modern technology. Some of the *ulama* refuse to use these modern means to gain more influence, and thereby lose ground *vis-à-vis* "alien ideas". Of the religious scholars interviewed, E, I, J, N and R agreed on the importance of adapting to new technology. E stressed the permanency of the tenets of Islam and the openness of the *ulama* to adapting to modernisation. According to I: "we (Saudis) should have anything that it is useful from the Western world and there is a saying from the Prophet: wisdom is the target, if there is wisdom and good you can take it from anywhere. Our religion teaches us to take anything good from any culture, we must not refuse ". N states that the *ulama*

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<sup>127</sup> Council of Ministers Decree No. 169, *Saudi Gazette*, (13 August 1983). p. 3

<sup>128</sup> *Al -Sharq al-Awsat* (3 October 1998), FBIS-NES-302.



were not opposed to the use of satellite television, but they were concerned about the content of the programmes and their effects on Saudi society. According to a, Islam provides the means to avoid the negative side effects on the society importing technology. Furthermore N and R pointed out the benefit of the use of modern technology for the spread of Islam, by allowing a message to reach a broader audience, while b stressed that the technology in fact enhanced the status of Saudi Arabia as a religious country.

As has been demonstrated, the role of the *ulama* is paramount in influencing the creation and recreation of norms. The main institution associated to this role is *Ifta*, which has been part of the ruling structure since the beginning of the Wahhabi movement, becoming institutionalised during the period of Faysal. The government in tandem with the *ulama*, has institutionalised this practice, as it became indispensable to nurture the legitimacy of the regime. However, the scope of the *fatawa* is not only necessary for the regime, but also for society, in the creation and maintenance of an organised society along the lines of religion and tradition. In the following subsection the role of the *ulama* and society recreating the norms associated with women will be examined.

#### **4.2.1. Regulations for women**

One of the areas that has remained under the *ulama* and at the same time has been of governmental concern is that of the role of women in Saudi society. As in any patriarchal society, the behaviour of women is closely linked to the notion of family honour. In the case of Saudi Arabia women are seen as indispensable so as to maintain the system of familialism, since they constitute the stable basis on which social relations are built on (Fandy, 1999: 49). In Saudi Arabia, the segregation of women and the enforcement of religious regulation are generally supported most of the time by the

state, since it helps to reinforce the legitimacy of the state. By enforcing religious regulations and protecting women, the monarchy honours its commitment to Islamic values, as well as acting in tandem with the patriarchal tribal family values that the monarchy represents. "Women, veiled and separated, provide a unifying symbol of Islamic piety. When co-opted by the monarchy, ideal Islamic women become a symbol of national identity"(Doumato, 1992: 45).

The *ulama* have the upper hand in the formulation of regulations concerning women. The government, following Doumato's arguments, enforces the policies of segregation and a dress code and thereby reinforces its own legitimacy. The latter development reflects the fact that women's regulations represent a very important part in and for the production and reproduction of social and religious values. Because this is a "traditional" domain for the *ulama*, where they can exercise their authority with the consent of the government, and may be especially important at times when the government's own Islamic credentials are questioned.

In a society where religious beliefs are very well engrained and patriarchal values invoked constantly, the women's field is used as a bargaining point between the government and the *ulama*. The government agree to the *ulama*'s control and enforcement over women's regulations in exchange for having a free hand in other domains. For example, when "secular" education was introduced by the government, the *ulama* kept the supervision of women's education. However, in times of risk to the security of the Kingdom, the *ulama* and the government will act in tandem, especially on women's issues, since the role of women constitutes the main sources of continuity in the reproduction of those rules and values important to the stability of the Kingdom.

Here an analysis on how the *ulama* and the government regulate women's role in Saudi society is presented. This analysis will focus during the 1980s, when the government was the target of criticism from Iran over its religious credentials. The

regulations enforced encompassed at that time the social and cultural practices of Saudi society, and ranged from the regulation of women's dress code to questions of proper behaviour, stressing the role of women as mother and wives.

In a *fatwa* about the place of women in life, the Mufti ibn Baz emphasised the importance of the role of woman in creating a good society. Women, he said, are a pivotal part of the society, since it is from them that a society develops. They are considered as "the first teachers in the construction of a sound society".<sup>129</sup> From the roles traditionally attached to women, as mother, wife, sister and daughter, Ibn Baz highlighted women's role as mother and wife. From the first it is pointed out that showing kindness to, and appreciation of, one's mother is well regarded by God. Indeed a mother is three times more appreciated than the man according to a saying of the Prophet. Woman as wives are the providers of calmness to the spirit, and men should show affection and compassion because they are the mothers of their children.<sup>130</sup> Ibn Baz stressed his views using the figure of Khadija, the first wife of the Prophet, as an example, in so far as she provided calm and guidance to the Prophet. In addition, he referred to an historical Saudi figure, the wife of Muhammad ibn Saud, whose role was influential in reaching the agreement between her husband and Muhammad ibn Abdul Wahhab to spread the call of Islam.

This *fatwa* shows clearly how the primary roles for women are those of mother and wife. These two roles give women's space the constitution of a private domain due the nature of the task associated with their role. In the words of Soraya Altorki, women's inclusion in the sphere of public life is relegated to the question of honour where seclusion is the practice enforced in order to reinforce that virtue. The participation of women in public life is regarded by the Mufti as a cause for the

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<sup>129</sup> Ibn al-Tiar, Abdullah ibn Muhammad Ibn Ahmad (ed.) (1996). *Majmu'at al-fatawi li samaht al-sheikh Abdul Aziz ibn Baz* [Collection of Fatawi from his Eminence Sheikh Abd Al-Aziz ibn Baz]. Riyadh: Dar al Watani. p. 348

<sup>130</sup> *Ibid.* 389.

destruction of society. Men are considered to be the strong, the protector and the provider, while women are weak, unprotected and dependent (Altorki, 1987: 67). Therefore the inequality of female and male becomes socially constructed and embodied in the religious regulations and traditional practices. The code of honour (*ird*) is a very strong social value in Saudi society. The honour of the family depends on women, therefore avoiding exposure to men other than their own kin is paramount to their honour, as well as the observance of the dress code.

The dress code involves the use of *hijab* (veil) and the use of the *abaya* (black cloak) to cover their figure.<sup>131</sup> Respect of this dress code is considerably emphasised in the *fatawa* given by the official *ulama*. For example there are some *fatawa* regarding the necessity of women covering their face in front of the family's chauffeur, and women are encouraged to keep the *hijab* even outside the Kingdom. In both cases the necessity for enforcing these practices is stressed (Al Musnad, 1996: 260-61), such that they must keep their face, the source of beauty and temptation, covered.

Women's dress is regulated through a significant number of *fatawa* condemning the use certain cloths and high heels by Ibn Baz, Sheikh Uthaimin and Sheikh Ibn Jibrin.<sup>132</sup> The use of high heels is generally disliked. The reasons given by Ibn Baz are that it makes the women to appear taller than she really is; secondly it can be dangerous in case she falls; and thirdly there are negative health consequences in their use, according to medical evidence. Sheikh Uthaimin dismisses the use of high heels on the grounds that it allows women to expose their beauty (Ibid. 375).

The use of the veil in Saudi Arabia has become the symbol of religious and traditional norms. As is pointed out by al-Munajjed, the issue of the veil shows different attitudes. For most illiterate and uneducated women do not consider not wearing veil as *haram* (taboo) and *ayb* (shameful). For others the use of veil is a decision to keep their

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<sup>131</sup> Not all women cover their face, but all the women wear *hijab*. There is a strong religious and social pressure to use both of them, but some women disagree with the use of *niqab* and they do not wear it.

<sup>132</sup> See al Musnad *Op. Cit.*, pp. 275, 283-284, 374-375.

identity against the intrusion of Western influences. The veil in this sense works as a protection against men, keeping women outside their attention (Al Munajjed, 1997: 47-57).

The segregation of sexes is also a religious and social norm implemented in both public and private domains. In the private domain, a family will enforce the segregation of men and women following the religious norms. Men will have their gatherings with male guests in a specific room of the house, and women will gather in separated rooms. In some cases,<sup>133</sup> women and men will have a different entrance to a house. Women veil themselves in front of male in-law relatives. There are, however, differences in attitude according to generation, and socio-economic status.

The enforcement of policies of segregation between men and women is at the very core of Saudi traditional customs and is justified in religious terms. According to Ibn Baz it is obligatory to avoid the mixing of sexes, since it "leads to evil and lewdness and the destruction of societies" (Al-Musnad, 1996: 316). He contends that women have natural roles which God gave to their bodies and mind, that women should work in those places related to their nature as teachers and housewives, therefore there is no necessity for women to work in places with men (Ibid. 317). "The participation of women in public is supposed to challenge her nature, and is a crime against their morality, as work destroys their character" (Ibid. 375). These consequences are contrary to the family unity, therefore women are relegated to and maintained in the private space, otherwise it would lead to the destruction of society.

In the public domain this segregation is enforced with the help of the government and the religious police. Starting with the educational system, women and men are separated. In public spaces such as restaurants women will be confined to family sections, if accompanied by a male relative, while men have their own space in

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<sup>133</sup> Most of the family houses visited by the researcher observed these rules. The socio-economic level of most of them belonged to middle class and upper middle class, some of the members were professionals, with experience living abroad.

these places. Some libraries have a day for women, while some have special women's only sections, otherwise women have to request material through fax or telephone. The banks also have special branches for ladies. In the cases of hospitals, the dining and waiting areas also enforce the politics of segregation.

During the early 1980s, the government enforced several policies with the aim of restricting the role of the women and reinforcing religious and traditional values. This was a response to the internal turmoil that surfaced with the take-over of the Great Mosque, the unrest in the Eastern Province and the challenges which stemmed from the Iranian revolution. The rapid socio-economic changes introduced during the decades of the 1960s and 1970s, as the result of the rise in oil revenues, altered the pace of the dynamics of Saudi Arabia. In the case of the take-over of the mosque, this showed the tensions that existed between one sector of society and the government. The fundamental issue raised by the group of rebels in Mecca concerned the legitimacy of the religious credentials of the ruling family and of the *ulama*. In general terms, the movement expressed their disagreement with the erosion of religious and traditional values.

The challenge which stemmed from the Iranian revolution took the form of ideological counterproposals, rhetorical attacks and diverse actions against the legitimacy of the governments of the Arab Gulf in general.<sup>134</sup> To face those challenges both the government and the *ulama* reinforced women's role, as being responsible for the upbringing children and the family. The target of the policies aimed to decrease the influences and repercussion of the events mentioned above.

In the ideological clash between Saudi Arabia and Iran, women's issues became included. In 1981, articles started to appear in the local newspapers discussing the

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<sup>134</sup> The threat from the Iranian revolution is analysed in the last section of this chapter.

possibility of women working and driving cars.<sup>135</sup> Ibn Baz's response to this issue was that allowing women to drive would be a cause of depravation, since women would have to drive unveiled, and being alone with strangers could cause numerous sins (Golderberg, 1982: 782). As a way to challenge the religious authority of the Saudi *ulama*, Khomeini counterattacked by issuing a *fatwa* in Iran stating the lack of religious evidence forbidding women to drive a car (Ibid.). According to a Saudi religious scholar, N, Islam does not forbid women to drive, but the *ulama* decided that the effects of such a practice on a society would be serious and used their discretionary power to forbid it.

According to the *fatwa* from Ibn Baz, women are also forbidden to travel alone with the chauffeur. This opinion is sustained on the grounds of two hadiths: "a man cannot be alone with a woman unless there is with her one of her male relatives", and "a man is never alone with a woman, Satan is the third". In the public domain the use of *hijab* and the verification of whether or not man accompanying the women is the *mahram* (custodian or guardian) or not is one of the duties of the religious police. According to interviewee q the *mutawwa'a* have to check that everybody is complying with the duties of Islam. Although he recognised that in the past there were some abuses, he emphasised that this institution is undergoing a major reorganisation. Basically he regards as positive the recruitment of professional individuals rather than relying mainly on voluntaries.

The government and *ulama* enforced strictly the religious and traditional rules relating to the seclusion of women from the public sphere, such as the prohibition on women studying abroad even if they were with a male companion. A new regulation on the latter matter was introduced by the Crown Prince King Fahd.<sup>136</sup> The religious police

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<sup>135</sup> For a description of the public debate on women employment at the beginning of 1980s see: Bahry, Louay (1982). "The New Saudi Woman: Modernizing in an Islamic Framework" in *Middle East Journal* 36, (4): 502-515.

<sup>136</sup> *Saudi Gazette*, 5 May 1980. p. 3

in the Western province closed women's hairdresser salons.<sup>137</sup> Ibn Baz pronounced a *fatwa* opposing government policy in the Eastern province where women were to work as secretaries or translators in 1980. In his opinion, women should stay in the house, as the idea of women going out of their home clashed with the *shari'a*, and would lead to the collapse of society. If there was a shortage of workers, the answer was not women working but giving incentives to the youth to join government works (Ibn Baz, 1993: 381). The standing of the *ulama* and the activities of the religious police provoked in part the promulgation of a royal decree, ordering the state sector and the private companies not to allow women to work in a mixed environment with men (whether Saudi or not) since this practice was against the *shari'a* and customs of the country.<sup>138</sup> The religious police became more active in supervising the enforcement of religious regulations, including the proper dress code and use of *hijab*, as well as the strict observance of the segregation rules. All this underlies the government's efforts to maintain the stability of the country and to convey a pious image of the religious precepts, nurtured by the *ulama*.

Most of the religious scholars in high positions interviewed stressed the fact that due to the characteristics of Saudi society, they considered the segregated educational system as one of the main features of Saudi society; and three of them, G N and O, described it as an integral part of Saudi identity. However, there were differences in opinion over how rigidly to enforce the segregation of women at work. Some of the religious scholars stressed that women's first priority should be to raise their children. As long as women's activities did not contravene this or the role of their husbands as main providers for the household, then there should be no conflict.

One of the interviewees, F, expressed the view that, with technology and other innovations, women were not as religious as before. Women in his opinion should dress

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<sup>137</sup> *Saudi Gazette*, 9 September 1980. p. 3

<sup>138</sup> *Saudi Gazette*, 10 March 1983. p. 3



and behave with modesty, and keep wearing the *hijab*, in order to protect themselves and their families. They must study Islam well, basing themselves on the Qur'an and *sunna*. They should refrain from dealings with men and keep away from the forbidden. Another interviewee, O, expressed the opinion that women could work outside the domain of their houses as long as there was no conflict between their occupation and their role as mothers.

It is important to highlight that, in contrast to the opinion of Ibn Baz, the majority of the interviewees were in agreement to the idea of women working. However the younger religious scholars pointed out the hindrance to the development of Saudi society caused by the prevention of women from being incorporated into public life. Some went even further pointing out the religion is not the cause of women seclusion but social practices. Regarding the interviews with non-religious scholars, they manifested their approval of giving women more space in the society but without reaching the "extreme freedom" of western women, a view expressed also by some of the religious scholars.

The 1980s, in practice, saw an expansion of women's spaces, in spite of the reinforcement of religious policies. As was mentioned before, women's bank branches were first opened during this period and became common. Women during the early years of the eighties started to be allowed to work as doctors and nurses, under an Islamic framework.<sup>139</sup> Women's education grew considerably. The official figures showed a considerable increase of women's enrolment in university studies (including bachelor degree and postgraduate studies). In the academic year 1977/1978 female attending university at bachelor level numbered 5,658 students, representing 18% of the total enrolment (Minister of Higher Education, 1980). In the year 1989/1990, female

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<sup>139</sup> See el-Sanabary, Nāgat (1996). "Women and the Nursing Profession in Saudi Arabia" in Sabbagh, Suha (ed.). *Between Defiance and Restraint*. (New York: Clive Breen Press). pp. 71-83.

enrolment increased notably to 53,030, representing 47.49% of the total number of students at bachelor level (Minister of Higher Education, 1991: 8).

Women's education brought changes to the percentage of women participating in economic life. According to the Civil Service Bureau, in 1986 the total of women working amounted to 55,630 (18% of the total working force), a radical increase on the figure of 14,000 in 1978. The jobs occupied by women were mainly in education, followed by administrative positions (Saudi Economic Survey, 1987: 6). The rate of women participating in the working force since 1986 has remained the same according to a recent United Nations report (UN, 2000: 36).

Control over the role of women is important for the reinforcement of traditional and religious values. The *ulama* nurture the traditional image of women as segregated and veiled, especially senior *ulama* supported by the government and at the same time by the social practices of Saudi society. The advance of women into public life has been through the creation of jobs in traditional women's 'domain' (teachers, nurses, doctors, etc.) working within the social and religious norms created and recreated by Saudi society. The perception is that the 'goodness' of a sound Muslim religious society is measured by the role of women.

#### **4.3. The Ulama and the Government Policies**

The ability of the government, and specifically of the ruler, to create regulations is discretionary, but nonetheless it has to be done within the rules of Islam. In fact, the so-called traditional elements of society are sometimes the facilitators of the introduction of changes and, according to these the changes are invoked in the lines of obedience to the Qur'an and to God (Eickelman and Piscatori, 1996: 25-26). According to a religious scholar, L, the *ulama* issue opinions when they are not found directly in

the verses of the Qur'an. If the domain is wide then *ijtihad* is applied. In latter cases the interest of the *umma* takes precedence following Islam, taking into consideration time, place, persons and possible solutions. The imam (ruler) has to check that the opinion given is not contradictory to Islam. This opinion is supported by other religious scholars, like J, who pointed out that *ijtihad* is not an individual task but as a collective function, in the sense that in order to give the correct answer a discussion must take place.

As has been shown in the first section of this chapter, the role of the *ulama* in shaping the judicial system has been influential, even though the reforms were legalised by the government. Areas such as education and especially women's education are controlled by the role of the *ulama*. In this section the participation of *ulama* in the implementation of public policies is examined, studying how they participate, and their impact on the government. Basically, it is contended here that government policies aim to work within the framework of Islam, therefore these policies become accountable to religion, and the *ulama* express an opinion when they believe there is a contradiction with the religious precepts. The *ulama* have a bigger margin of manoeuvre when the government lacks legitimacy, but when this is not the case, the *ulama* see a decrease in their leverage to influence government policies.

The governmental policies outlined in the different economic plans have emphasised the need for continuous economic growth, through the development of the Kingdom's resources, reducing the dependence on oil as the main source of national income. This economic growth is necessary to improve social conditions and maintain the religious values of Islam, its defence and application and the maintenance of the internal security of the Kingdom (Third Development Plan, 1981: 3). In the third plan the government stressed the importance of expanding and enforcing the role of the religious organisations, including the public moral committees (the Committee for

Forbidding Evil and Commanding Good). This policy, according to the plan was due to the context of accelerated economic development that brought about the presence of a considerable number of foreigners in the Kingdom. Therefore it was important to support the religious and judicial organisations, as a way to preserve the character of Saudi society (Ibid. 386). In this regard the government committed itself to supporting and expanding religious activities, especially in the cases of the moral committees; setting up offices for them at the regional level. The increase and maintenance attained, during the Third Development Plan, was 26,357 mosques in the Kingdom in tandem with the expansion of enforcement of the public morality committees (Fourth Development Plan, 1986: 361). In the Fourth Development plan, the policies of expanding religious and judicial services continued, receiving an allocation of 18,501 millions of riyals for these areas (Ibid. 366-367).

The decade of the eighties saw a number of economic problems emerging as a result of the oscillation of the price of oil and the continuous appearance of budget deficits. One of the key areas in the formulation of the economic plans had been the issue of the work force. The existence of unemployment among the Saudi population led the government to launch a 'Saudisation' programme in March 1981. A royal order expressed the need to incorporate Saudis in national and international firms established in the Kingdom, and the Ministry of Social Affairs through the recruitment labour offices and vocational training was instructed to pave the way to incorporate more Saudis into the workforce.<sup>140</sup> The concern of the government was formulated in the third plan, which stated the detrimental effects of importing foreign labour could spread negative ideas among Saudi society.

The official *ulama* supported the government's concern and issued a *fatwa* reinforcing the government's policies. As an illustration of the support of the official

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<sup>140</sup> *Saudi Gazette*, 16 March 1981. p. 2.

*ulama*, Ibn Baz expressed an opinion regarding the employment of foreign chauffeurs for women; he stipulated that the use of foreign workers for this purpose was against Islam (al-Musnad, 1993: 341). Also the Board of Senior *Ulama* promulgated a resolution which stated that bringing in foreign labour was against government policy aimed at increasing the number of Saudis in the workforce.<sup>141</sup>

In spite of the rise in educational enrolment and the emergence of vocational centres, the policy of tackling the 'Saudisation' of the workforce has been a recurrent target in the subsequent economic plans. For example, in the fourth plan, the development of human resources to ensure a constant supply of manpower and the improvement of its efficiency was one of the objectives outlined. As has been mentioned previously, women made up a substantial part of the increment to the Saudi workforce, since for the first time an economic plan encouraged them to participate in particular areas in accordance with Islam and the *shari'a*.

One particular area where the *ulama* have expressed their discontent is the issue of *riba* (interest), associated with banking institutions. In 1981, the *ulama* managed to stop the practice of mortgage-backed lending, because such practice involved the payment of interest (Odone, 1987: 142), in a context where both the *ulama* and the government were questioned about their religious commitment by the regime of Iran and by the internal opposition that emerged with the take-over of the Great Mosque. The issue of the banks' practices has become a public debate since then. On one side are those in favour of Westernised banks, and on the other are the religious leaders in favour of banks which do not charge any interest. As Wilson notes, the debate was heated by the contraction of credit by the regular banks and the growing activities of Islamic banks, in a society where there was mistrust towards regular banks. The author contends that Saudi Monetary Agency (SAMA) and the government launched an

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<sup>141</sup> Resolution 103, 1403/1982 in (1992) *Majalat al Buhuth al Islamiyya* [Magazine of Islamic Research] 34: 341.

ideological battle in order to promote the acceptance of regular banks (Wilson, 1991: 184-185). The position of the government shows how important the religious values are given that it was difficult for the government to promote the introduction of normal banks, in the light of the stance of the *ulama* against the issue of interest.

In February 1984, an article appeared in the newspaper "Al-Sharq-Al Awsat" which criticised the operation of Islamic banks on the grounds that, although they followed the prescriptions of Islam, in fact, these banks charged *riba* and falsely claimed that they were the objects of discrimination by the regular banks (Ibid.). Later a paper by Ibrahim ibn Abdullah al Nasir from SAMA raised the concern of the religious scholars. The main argument centred around the definition of *riba*.<sup>142</sup> According to him, *riba* as referred to in the *Qur'an* is the practice that involved the duplication or triplication of a sum paid to the lender, when the sum is not paid in a predetermined time (Ibid. 186). The argument in favour of regular banks was outlined as follows: "It is impossible to have Islamic power without economic power, it is impossible to have economic power without banks and banks without interest" (Ibn Baz, 1988: 49).

The religious scholars, through Sheikh Ibn Baz, counterattacked this argument, establishing that *riba* was forbidden. Ibn Baz attacked Al-Nasir's argument on the basis of two principles. First, Ibn Baz established that in the first Islamic century there were no banks and no notions of interest. The second principle was that interest causes division among Muslims, creating unemployment and a shortage of business. Support for the prohibition of *riba* is found in the *hadith* that detailed the practice of *riba*, while Al Nasir in his study had only been talking about one type of *riba* (Ibid. 51).

Ibn Baz went further, reminding the King of his promise at the time of his accession to establish an Islamic financial agency, which came into existence in 1987. The Al Rajhi Monetary Exchange group finally obtained the full license of a bank but

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<sup>142</sup> For a discussion of the term, see Vogel, Frank E. and Samuel L. Hayes (1998). *Islamic Law and Finance: Religion, Risk, and Return*. (London: Kluwer Law International). pp. 72-83.

was forbidden to trade as an Islamic Bank; the Supervisory boards tried to maintain Islamic credentials by appointing two of the sons of Ibn Baz and the governor of Mecca and Jeddah to this board (Wilson, 1991: 184). In this respect, the inclusion of *ulama* in the Supervisory Board of the Islamic banks in the Gulf area has placed them in an area outside their traditional dominion. For the first time, Islamic banking is a source of a well-paid income in the private sector for the *ulama* who are broadening their skills to comply with modern requirements in international banking (Vogel, 1998: 286).

Wilson argued that the religious scholars continued to protest on these issues but were silenced after a while by the governmental threat to reduce both their salaries and the allocation of money for religious activities. This position was shown by the lack of comment or protest when the Public Investment Fund (PIF) borrowed 600 millions dollars from 11 banks in 1988 (Wilson, 1991:188).

In *fatawa* from the Permanent Committee of *Ulama*, it was established that *riba* was forbidden, that people should not put money in a bank that pays a certain percentage as interest, deal with banks that charge an amount for the transference of money except in cases of necessity, or deal with banks that give loans and that charge an interest. The *ulama* forbade dealings with banks except with the ones which are Islamic, stating that those were Al Rahji, Sobyia. They also forbade people from working in un-Islamic banks (Al-Misned, 1988: 261-289).

The fact that the *ulama* adopted such a stance did not crystallise in a complete change of banking operations. However, the strategy of the banks and government was to offer, as well, services according to Islamic practices and, as was established earlier, by incorporating distinguished *ulama* to the boards of the banks they expected to attract more clients to their banks. The strength of the *ulama* pronouncements then is left to individual commitment, and the success of al Rahji bank towards the end of the 1980s

(Cunningham, 1989: 80) in comparison to the others banks can be taken as a proof of the *ulama*'s strength.

Disputes raised by banking transactions are another area of conflict for both government and the *ulama*, due to the duality of the legal system, which provokes an overlapping of both authorities. The governmental agency, SAMA, has tried to avoid the involvement of *shari'a* courts in banking disputes, establishing specialised committees to resolve these disputes. In practice, the individuals in conflict referred their cases to the *shari'a* courts, since the latter "have taken an hostile attitude to the banks suing debtors for non-payment of interest" (Ibid. 72). In general terms, SAMA has been cautious in the dealings of the banks establishing practices following the religious principles. For example, article number two established that this agency "shall not pay nor receive interest but shall only charge certain fees on services rendered to the public and government" (Ibid. 71).

The government and the *ulama* have reached some agreement in the dealings of banking practices, as the government is limited by economic circumstances or by commercial interest. The policy of the government in 1988 to issue bonds in order to counter the projected budget deficit met the opposition of the *ulama*. Once more the *ulama*'s concern was that this practice would involve *riba*. The government had to reformulate this policy according to the Islamic practices to placate the opposition, stipulating that the earning of these bonds would be deposited in projects of development.<sup>143</sup> According to one interviewee, A, the government only masked the operations of the banks by establishing the payment of fees rather than interest. Also he stressed the duality of the banking system operating in the Kingdom is a sign of the *ulama* failure to force the government to follow the Islamic practices.

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<sup>143</sup> *Saudi Press Agency* (4-11 June 1988).



The policies carried out by the government regarding the economic plans, have been formulated within the framework of Islam, and therefore within the framework where social practices evolve. The commitment of the ruler to the society to guard and provide welfare to it has been one of the main objectives cited in the formulation of the economic plans. Although there was no direct participation of the *ulama* in the elaboration of the plans or in the delineation of policies and their implementation, the *ulama* participated through the reinforcement of government policies or by opposing those policies they deem contradictory to Islam. In these cases, such as the one presented on the issue of banking activities, the government has had to reach an agreement with the *ulama*.

#### **4.3.1. Recreation of the principles of Saudi foreign policy**

The role played by religion in framing the practices of both society and government is also observed in Saudi Arabian foreign policy. Indeed, the role of religion in the formulation and implementation of foreign policy has been paramount for the government of Saudi Arabia since the beginning of third Saudi state, especially once the Hijaz was annexed. Custody over the holy cities, Mecca and Medina, conferred a particular status to Saudi Arabia in the international Muslim community. The fact, as Baghat Korany once stated, that millions of people all over the world turn to Mecca five times a day (Korany, 1970: 801-802) gives one an idea of the importance at least for the Muslim world of Saudi Arabia. Islam has been the ideological dimension in the formulation and implementation of the foreign policy of the Kingdom, even before the appearance of the material wealth acquired through the commercial exploitation of oil. However, this ideological dimension is accompanied by strategic, economic and pragmatic considerations as well, that are more important than Islam under certain issues and circumstances (Piscatori, 1983: 51).

In general terms the importance of Islam in the foreign policy can be identified in four ways, according to Dawisha. The first is when it helps to create consensus over the objectives of the foreign policy. The second is when it provides the rationale, or country's identity. A third way exists whereby Islam helps to mobilise external resources in support of the state. And a final way is when Islam can become a constraint on the real interest of the country (Dawisha, 1983: 4). The Islamic dimension of Saudi Arabian foreign policy can be regarded in the four ways proposed by Dawisha: stressing the Islamic dimension related to the definition of Saudi Arabia as religious country and its the leadership of the Muslim countries causes the mobilisation of external support for the state, and at the same time causes the challenge of other Muslim countries to her religious leadership.

In contrast to others areas examined, the participation of the *ulama* in the formulation or implementation of Saudi foreign policy is limited. The *ulama* act as a pressure group according to the issues in question, and they also act as the main propagators of Saudi Arabia's religious commitment abroad, contributing to enforcing the role of Saudi state as guardian of the holy cities and stressing the religious identity of the Kingdom. The examination presented is on how and when the Saudi Arabian government has invoked its religious credentials either defending or bolstering its legitimacy. The three cases of Iran, Libya and the Arab-Israel conflict, as relevant factors in the regional dynamics are presented, where the religious factor has played an important part.

The bases of the foreign policy of Saudi Arabia were formulated during the period of King Faysal, as has been analysed in the previous chapter. The definition of Saudi Arabia's status at the international level was both a product of their role as the guardian of the holy places and at the same time a response to the threats posed by Arab nationalism and Nasserism during the late 1950s and during the 1960s. The response to

these threats reinforced the religious factor in the formulation and practice of Saudi foreign policy in dealings with some issues and regional processes. The 'Islamisation' of the Arab-Israeli conflict during the 1960s is a manifestation of the amalgamation of the Islamic dimension with strategic considerations. Saudi Arabia, as a way to counter attack from the radical regimes, in the context of the Arab defeat in the Arab-Israeli war of 1967, took the opportunity to attract to its sphere of influence Egypt and Jordan, through the use of economic assistance. In addition, Saudi Arabia committed itself to the recapture of Jerusalem as the third holy city, after Medina and Mecca, based on its role as guardian of the holy places.

During the 1980s, in the context of the Cold War, the definition of the relations of Saudi Arabia with the world were shaped by religious considerations, as well as strategic considerations. The conception laid out during the Faysal period, was still in place through the 1980s. According to Korany, at the centre of this conception was the religious notion of a territorial division between *Dar al-Islam* and *Dar al-Harb*, the territory of peace and the territory of war respectively. In practice, the Soviet Union and her allies the Eastern block, belonged to *Dar al-Harb* as followers of the atheistic doctrines of communism and socialism. Israel was placed in the same category as the Soviet Union because its secular Zionist doctrine challenged Saudi Arabia and the Muslim community through the Arab-Israeli conflict, (although Judaism is considered a religion related to Islam, and Jews are *ahl al-kitab* (people of the book) (Korany, 1991: 247-251)

By contrast, the United States of America was considered belonging to *Dar al-Islam* as a Christian country (also people of the book) and in conflict with the regimes of the Soviet Union or Eastern Block, in spite of the fact that the USA assisted Israel financially and militarily. The Muslim and Arab countries that embraced ideologies or

policies different from Islam were defined as enemies since they posed a challenge to the integrity of the territory of Islam (Ibid).

The economic organisations created and the economic aid provided by Saudi Arabia were along the line of this interpretation of relations towards the international community. These economic tools became an important channel where economic aid contributed to the reinforcement Saudi Arabian foreign policy objectives, and to the projection of the religious identity of the Islamic government for both internal and external audiences.

The 1980s were particularly difficult for Saudi Arabia in terms of the region's dynamics both with regard to the Gulf area and the Arab-Israeli conflict. On the one hand, in its immediate zone the threat of the Iranian revolution emphasised Saudi Arabia's vulnerability over its religious legitimacy, contested during the Mecca uprising and the *Shi'a* protests in 1979. At the strategic level, what was involved was a threat to the regional balance of power. Iran, Saudi Arabia and Iraq were all seeking hegemony over the Gulf balance of power. Saudi Arabia and Iran had been "partners" in the security of the Gulf, but the triumph of the Islamic revolution changed the local dynamics. The war between Iran and Iraq was, on the Iraqi side, aimed to contain the revolution and its consequences for the rest of the Gulf countries. The stance of Saudi Arabia, deterring Iran and supporting Iraq, was a fundamental factor in Saudi foreign policy at this time.

The Saudi fear of destabilisation in the area was based on three strategic considerations. Firstly, the Iranian revolution had to be countered, leading to support for Iraq in its conflict against Iran on the one hand, and on the other, the formation of the Gulf Cooperation Council in 1981, in order to lead the efforts of these countries (Bahrein, Kuwait, Qatar, Oman and the United Arab Emirates) to protect themselves

from Iran.<sup>144</sup> Secondly, the invasion by the Soviet Union of Afghanistan was perceived by Saudi Arabia as spreading the Soviet threat, backed by Soviet influence and links in South Yemen and the Horn of Africa. Thirdly, the dilemmas of the Arab-Israeli conflict continued, such that Saudi Arabia had to avoid any change in the dynamics of the dispute which would jeopardise its policies and the situation of the Gulf.<sup>145</sup> The interdependence of these two conflicts, the Arab-Israeli and Iran-Iraq conflicts, is demonstrated by the alignment in the latter war. The Steadfast Front (composed of Libya, Syria, Algeria and South Yemen) in the Arab-Israeli hostilities also aligned itself in favour of Iran in the conflict against Iraq.

In general terms, the policy adopted by Saudi Arabia was to protect the Kingdom from the Iranian threat and to guarantee the stability of the Kingdom after the events of the late 1970s. Due to the religious nature of the Iranian challenge, the national project based on a *Shi'a* interpretation and the export of the revolution, Saudi Arabia pursued policies aimed at reinforcing its image as guardian of the two holy cities and spreading its own Islamic line. The policies involved the establishment of Islamic cultural centres and mosques, creating new publications and supporting Muslim groups. In all these steps, the *ulama* participated alongside the government, again showing that whenever there is an external threat to the Saudi Kingdom security, the *ulama* and the government will support each other.

After the invasion of Afghanistan, Saudi Arabia requested a meeting of the Organisation of Islamic Countries as the first step in order to obtain an international condemnation. This event was described in terms of the invasion of a Muslim country by an 'unbeliever' country, therefore the support of the whole Muslim community was

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<sup>144</sup> See Long, David, E. (1988). "Saudi Arabia and its Neighbours: Preoccupied Paternalism" in Sidebar, Richard and J. E. Peterson (eds.). *Crosscurrents in the Gulf: Arab Regional and Global Interest*. (London: Routledge). pp. 181-197.

<sup>145</sup> Initiatives like the Fahd plan in 1981, which attempted to pacify the situation in the Arab-Israeli conflict in order to diffuse tension and gain support for Saudi Arabia to manoeuvre in the region. See Fakash, Mahmud A (1987). "Saudi Arabia and the Gulf Crisis: Foreign Policy and Security Dilemma" in *Middle East Review* 19, (4): 50.

requested. Saudi Arabia's policy towards Afghanistan involved economic and humanitarian assistance to resist and to halt the Soviet invasion. By invoking the religious dimensions of the invasion of Afghanistan, the *ulama's* religious pronouncements (in accordance with Islamic traditions) stressed the importance of *jihad*, and help for the Afghan *mujahidin* (religious fighter) was described as a good deed because they were the worthiest beneficiaries of *zakat*. The *ulama* emphasised how "these fighters were patient by continuing to struggle in the path of God", and encouraged the people to help them, "purifying their countries from the invasion of the unbeliever and the tales of Communists" (Ibn Baz, 1989b: 324-328).

In the case of the Iranian revolution and the creation of the government of *Velayat-e-Faqih* (religious jurists), based on a particular (*Shi'a*) interpretation of Islam a source of continuous challenge to Saudi Arabia was created. The conception of the government delineated by Ayatollah Khomeini represented a counterproposal to the Islamic *sunni* interpretation of Saudi Arabia. The rise to power of the religious jurists and their participation in the decision-making of the government was a source of threat for the Saudi regime.

The challenges to Saudi Arabia can be understood from the character of Iranian foreign policy. This was supported by two main pillars: the first was based on a non-alignment, "neither West or East"; and the second involved the export of the revolution to other regions. Hunter provides a general overview of Khomeini's worldview stressing the ideological foundation of the new Iranian foreign policy. Khomeini divided the world primarily between those countries with power that oppressed others, and the ones who were oppressed. This division coincided with the ideological division of "neither West nor East", since the dominators were identified as the leading 'superpower' countries of each block, namely the United States of America and the Soviet Union. The oppressed states were mainly the Muslim countries and Third World

countries in general. Another principle that underlay the ideological justification of the export of the revolution was the division between those countries that followed the right path (the right Islam), and those who did not. Iran, according to Khomeini's conception, was the only state which was on the right path, and therefore had a duty to help other Muslim countries to take the right path (Hunter, 1990: 37).

In Khomeini's worldview, Saudi Arabia was subject to criticism for its close links with United States and its support for the Iraqi regime against Iran. Saudi Arabia, concerned by the impact this was having on its *shi'a* minority and the unrest in 1979, became sensitive toward any Iranian attempt to mobilise or support opposition groupings either in the Kingdom or in neighbouring Gulf countries. Seeking to neutralise these challenges, it supported Islamic groups favourable to its own point of viewpoints around the Arab world, activating the different organisations dedicated to development and foreign aid in Muslim countries. The founding of Islamic centres around the world, the provision of scholarships for Muslims to study in the Kingdom, and the donation of money to schools and universities were among the activities used to subvert the Iranian threat and at the same time to enhance Saudi Arabia's religious image. The amount spent on these efforts during the period 1973-1990 is estimated at over a billion dollars (Al-Sugair, 1993: 111-116).

Iran through the rhetoric of Khomeini and the *hajj* (pilgrimage to the holy places) launched serious attacks on the Saudi regime. The *hajj* became the avenue of expressing criticism towards of those countries allied to the West and those considered as tyrants of oppressed societies. During the pilgrimages of 1979 and 1980, the Iranians distributed propaganda and carried photographs of Ayatollah Khomeini. In 1981, the government of Saudi Arabia took some measures to ban the carrying of books and photographs. Also, prior to the pilgrimage, the Saudi authorities and Iranian authorities carried out talks in order to set an agreement over these issues. However, the Iranian

pilgrims caused concern to the Saudi authorities during that *hajj*, as they chanted praises for Khomeini in the Mosque of the Prophet at Medina and in the Great Mosque at Mecca, and confronted Saudi forces (Golderberg, 1983: 286-287).

After the *hajj* of 1981, the conflict in religious terms continued and this time focused against the Saudi religious authorities directly. Ibn Baz's ruling of November 1981 prohibiting the widespread celebration of the Prophet's birthday, was taken by Iranian authorities as a cause of belligerence, contesting the Saudi religious interpretation. Iran organised, at the national level, to hold the celebration of the Prophet's birthday and invited other Muslim countries to join this celebration, as a way of opposing Saudi religious leadership. This policy was stressed when Khomeini criticised the stance of Sheikh Ibn Baz and the content of his *fatwa*, discrediting the *ulama* of Saudi Arabia.<sup>146</sup>

The pilgrimage of 1982 saw continued Iranian activities, which indeed were more pronounced than in previous years, regarding their challenges to Saudi Arabia's legitimacy, not only touching on the religious dimensions but also on economic and strategic considerations as well. Although, previous to the *hajj*, Saudi and Iranian authorities had talked over this issue, it was clear that Iran was persisting in using *hajj* as a way of showing its commitment to the Muslim causes, such as condemning Israel and its policies towards Palestine and Lebanon, the Soviet Union's invasion of Afghanistan and United States role in world affairs.<sup>147</sup> This strategy was aimed at promoting Iran's revolutionary aims, and as part of the strategy of their opposition to the Saudi Arabian political system. One of the documents distributed during the pilgrimage of 1982 questioned the legitimacy of the Saudi regime. This document appears to have been written by an organisation based in Saudi Arabia under the name of Organisation for the Islamic Revolution in the Arabian Peninsula.

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<sup>146</sup> *Ibid.* 290.

<sup>147</sup> BBC SWB/ME/7123/A/6 (6 September 1982).



“.... Is the system followed by the regime (Saudi)-absolute hereditary monarchy, an acceptable government for Islam? Is the oppression, the absence of people participation in the government acceptable to Islam? Is it allowed in the Islamic law to neglect the political, intellectual and social freedom? Can the new king call himself guardian and defender of the Mosques, meanwhile its name appears associated to corruption, decadence and shame?”<sup>148</sup>

In addition, the document criticises Saudi foreign policy, especially the agreement which allowed U.S. AWACS to be stationed and over fly Saudi territory.<sup>149</sup> The document in addition criticised Saudi policy over the production of oil.<sup>150</sup> These two issues were of particular strategic concern to Iran, because the implications of the Iran-Iraq war and the rivalry which existed between Iran and Saudi Arabia over the production of oil, were both part of Iranian propaganda. Hence is not surprising that this document appeared in one of the Iranian newspapers.

Iranians pilgrims rallied in Medina, launching attacks on the Soviet Union, Israel and the United States. The Saudi authorities intervened, arresting some Iranians and taking away the banners and portraits that the participants were carrying. The Saudi authorities protested against the Iranian actions, which they considered were against the objectives of *hajj*. However both the representatives of the Iranians pilgrims and Ayatollah Khomeini himself stressed to the Saudi Arabian authorities the legitimacy of their actions and the importance of using the *hajj* to unite Muslims against the USA, Soviet Union and Israel.<sup>151</sup>

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<sup>148</sup> This was an extract of the appeals to the pilgrims published by the Iranian Martyr's foundation Newspaper. BBC SWB/Part 4/ME/128/A/11 (11 September 1982).

<sup>149</sup> See Safran, Nadav (1985). *Saudi Arabia: the Ceaseless Quest for Security*. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press). p. 362.

<sup>150</sup> Since 1982, the OPEC countries had adopted the system of production of oil by country quotas. Iran and Libya did not follow this agreement and produced more than the stipulated amount causing a reduction in the prices of oil. Behind these policies was the attempt by Iran and Libya to curtail Saudi leadership in the OPEC and in this way to cause economic problems that would affect its support to Iraq. See Seymour, Ian. (1985). "OPEC and the World Market: Present Problems and Future Prospects" in *American-Arab Affairs* (13). pp. 87-89.

<sup>151</sup> See BBC SWB/ME/7129/A/2 (13 September 1982), BBC SWB/ME/7129/A/1 (13 September 1982), BBC SWB/ME /7137/A/1 (22 September 1982).

Further foreign problems stemmed from the deteriorating relationship with Libya as a result of the dynamics of the Arab-Israeli conflict. The position of Saudi Arabia through the Fahd Peace Plan, was rejected by Libya and the Stead Fast front at the summit of the Arab League in November of 1981,<sup>152</sup> leading to religious and political attacks between the two countries. Libyan president Mu'ammar Khadaffi used a similar line of attack to that of Iran, questioning the religious credentials of the Saudi leaders and the *ulama* of the Kingdom, and taking advantage of the vulnerability showed by Saudi Arabia in her dealings with Iran.

The response of the government and particularly of the *ulama* was to declare Khadaffi an unbeliever, disqualifying his voice and his religious credentials. The *ulama* refuted the claims of the Libyan leader through the issue of a *fatwa*, stating that the role of religion of the Kingdom was based on the *shari'a*, and the role of the *ulama* was to uphold justice and maintain the correct practices. They emphasised the achievements of the Kingdom and the efforts of the government to spread the Islamic call.<sup>153</sup>

The Libyan leader created the Organisation of the Islamic Call to counterattack the influence of Saudi Arabia in spreading the religious call. In September 1982, the Libyan organisation was given international status, with an international council to direct the organisation. Through this organisation Khadaffi was seeking to spread a view of Islam consistent with his particular ideas about Arab socialism, Africanism and Arabism (Kostiner, 1983: 245-246). In fact, this organisation was competing with the

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<sup>152</sup> Saudi Arabia in an attempt to deter the possibilities of a further escalation in the Arab-Israeli conflict and to overcome the impasse reached in the resolution of the conflict (the departure of Egypt from the Arab-Israeli Conflict due to Camp David agreement), launched a proposal for peace known as the Fahd plan in 1981 by Crown Prince Fahd. The evacuation of the territories occupied by Israel from 1967, the evacuation from the settlements established on those territories and the establishment of a Palestinian state were among the 8 points established in this peace plan. See Long, David (1986). "Saudi Foreign Policy and the Arab-Israeli Peace Process: The Fahd (Arab) Peace Plan " in Belling, Willard (ed.) (1986). *Middle East Peace Plans*. (London: Croom Helm). pp. 54-66.

<sup>153</sup> BBC SWB/Part 4/ME/6984/A/5 (22 March 1982).

Saudi-based Muslim World League. However, in 1983, the relationship between Saudi Arabia and Libya improved, as a result of developments in the Arab-Israeli conflict.<sup>154</sup>

In the second half of the 1980s, Iran retaliated against Iraq and its supporters, invading the Iraqi Faw peninsula and orchestrating bomb explosions in Kuwait and in the United Arab Emirates during 1986. King Fahd, the target of Iranian criticism, stressed his religious stance by adopting the title as the Servant of the Holy Cities. This strategy was an attempt to show his commitment to religion and to de-escalate the questioning of his legitimacy on managing the affairs of the holy cities, as well as to strengthen his image abroad and internally. The dynamics of the Gulf War and the attacks by Iran on Saudi tankers in the Gulf provoked a firm attitude over the issue of the pilgrimage.

During the pilgrimage of 1987, Saudi forces opened fire on Iranian demonstrators when they were demonstrating in Mecca, causing the death of over 200 Iranian pilgrims. The Iranian authorities headed by the Ayatollah Khomeini condemned the use of force, the lack of respect for the holy cities, and especially the lack of commitment on the part of Al Saud family to its historical obligations of protecting and enforcing religion. The Al Saud family was described by the Iranian authorities as the agents of America. Following the lines of criticism of Khomeini, Rafsanjani, the Iranian Parliament speaker, stated that what was needed was to uproot the Al Saud family from the custody of the holy cities.<sup>155</sup>

These events were followed by a demonstration in Tehran during which the Saudi and Kuwaiti embassies were sacked and the Saudi Ambassador was killed. Saudi Arabia launched an active media campaign to discredit Iran and the un-Islamic character of the demonstrations, questioning the Islamic credentials of Khomeini (Goldberg, 1988: 602). Once more, the posture of the Saudi government was supported by the

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<sup>154</sup> They had a common interest in supporting the faction al-Fatah, headed by Yasser Arafat, at a time when Arafat was under pressure from the radical factions supported by Syria to relinquish his mandate.

<sup>155</sup> BBC SWB/Part 4/ME/8637/A/5 (4 August 1987).

Saudi *ulama*. The Board of Senior Ulama issued a *fatwa* stating the purpose of the *hajj* as an act close to God, where no bad acts should be carried out. "For the *hajj* are months well known. If anyone undertakes that duty therein, let there be no obscenity, nor wickedness, nor argument, in the *hajj*".<sup>156</sup> They accused the Iranian government of not respecting the religion and praised the Saudi rulers for their intervention whose aim was to protect the pilgrims. "May God reward the rulers of this country for their good deeds and give them more good and support the right path taking by them".<sup>157</sup>

The explosion of two bombs in Mecca during the pilgrimage of 1989 increased the tensions between Iran and Saudi Arabia. The period before the beginning of the *hajj* was tense due to the death of Khomeini, and the introduction of a quota system by Saudi Arabia for the management of the pilgrimage. According to this system, the quota for Iran was 45,000 pilgrims. All these issues caused additional strain between the two countries. The explosion of two bombs in Mecca during the pilgrimage carried by sixteen Kuwaitis and ten Iranians was part of a plan devised by Iran.<sup>158</sup> A group called the Generation of the Arab Anger claimed responsibility for the explosions, saying that the bombings were a warning to the Saudi ruling family.<sup>159</sup>

During 1989, with the arrival of a new president, the death of Khomeini and the peace agreement between Iran and Iraq, Saudi Arabia and Iran resumed diplomatic relations and entered a new phase marked by attempts at reconciliation.

In the domain of foreign policy, the identity of Saudi Arabia as guardian of the holy places and leader of the Muslim community results in a double-edged sword. The perceived threats to the security of the Kingdom posed by the invasion of Afghanistan by the Soviet Union and the Iranian revolution were defended and contested within the Islamic dimension. Due to the role of Islam, as has been analysed in the domestic

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<sup>156</sup> BBC SWB/Part4/ME/8639/A/3 (6 August 1987).

<sup>157</sup> *Ibid.*

<sup>158</sup> BBC SWB/Part4/ME/0507/1 (12 July 1989).

<sup>159</sup> *Ibid.*

legitimacy, Saudi Arabia continually has reinforced, internally and externally, the regime's religious credentials. The government has enhanced its commitment to spread Islam and influence through the different Muslim organisations around the world, and has been assisted in this by the official *ulama*. The *ulama* were fundamental in advancing the objectives of Saudi Arabian foreign policy by mobilising internally the resources to create consensus over the nature of the external threats and by mobilising popular and economic support to the *mujahidin* causes (in Afghanistan and Palestine), as well as by defending the regime from the challenges discrediting the religious stance by the Iranian and Libyan governments.

## Chapter Five

### Contesting the Legitimacy

The process of legitimacy also entails its contestation or resistance by different groups inside a society. When the contestation is produced using the norms and values which the authorities claim to fulfil, then it becomes necessary to look for the ways that groups organised and recreated those norms and values as a medium of contestation, as well as their effects on the ongoing process of legitimacy. Although the contestation movements presented here indicate specific situations, it does not mean that contestation is only produced in those moments, since conforming and resisting are activities carried out simultaneously by the social agents. The specific situations studied here are more an indication of the margin of manoeuvre of the opponents to break the official discourse and to realise activities whose objective is to contest the legitimacy of the regime.<sup>160</sup>

The majority of the opposition in the contemporary period of Saudi Arabia has come from a religious background, so it is not a coincidence that the spaces used by the opposition have been the mosques, or that some of the leaders, especially after the Second Gulf War, have been preachers. The government since 1982 has reinforced control over the religious spaces. According to an order by the Minister of Interior, nobody can make a public speech in the mosque unless they have an official permit (Article XIX, 1991: 35). Later in 1988, the General Secretary of Pilgrimage and Endowments requested all the mosques to check the identity of all speakers at the mosques (Ibid.). In spite of the government control over the preachers and imams of the mosques, the opposition activities have been carried out precisely by those actors and in those spaces.

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<sup>160</sup> Scott, James (1990). *Domination and the Arts of Resistance: Hidden Transcripts*. (New Haven and London: Yale University Press). p. 120.

This chapter will analyse how official Islam became contested by different groups in Saudi society, using Islam as the form and content of their contestation. The invocation of Islam as the source and reference, is as Asad points out, an attempt by the contestants to establish both an authority over what orthodoxy is and, at the same time, a redefinition of the Islamic practices (Asad, 1993: 210-212). The nuances of the use of religion indicate the internal divisions inside Saudi society and how the government and *ulama* cope with them. They also reveal the extent to which the *ulama* constitute the moderate voice among the spectrum of religious tendencies inside the Kingdom.

The first major challenge to the legitimacy of the ruling elite was the seizure of the Mosque in 1979. Although the movement was suppressed, it represented an attempt to contest the religious and political authority, amid a process of rapid development during which Islamic mobilisation was used to neutralise the pan-Arabist mobilisation of the seventies. Most importantly, this event showed that, as in the case of the *ikhwan* rebellion, Islam could be interpreted and used by other actors apart from the official *ulama* and the government.

The decade of the nineties was also the setting for the emergence of other voices that claimed authority over the interpretation of the sacred texts, threatening the position of *ulama vis-à-vis* society and the religious commitment of the government. The analysis of the major opposition groups in the country, as well as the reaction of the government and *ulama* will be stressed in order to assess the effects on the relationship between the *ulama* and the government.

### **5.1. "The Return of the *Ikhwan*"**

The Mecca seizure by a group of people lead by Juhayman al-'Utaibi, in November 1979, shocked the Saudi political system, in general, and particularly the relationship between the government and the *ulama*. The group of rebels related the

starting of a new century in the Islamic calendar in the sacred month of Ramadan with millenarian beliefs, proclaiming the existence of the *mahdi* (the rightly guided) and the restoration of the role of religion.<sup>161</sup> The context of this event deserves an analysis in order to expose the causes and the vindications sought by this group of dissidents. It indicates that after a certain time, the religious mobilisation sought by the government during the sixties had reverberated in the organisation of a religious dissident group. In the first place, it is necessary to refer to the origins of the leading members of the group of protesters, since their origins will provide a context which can explain the possible causes of the take over of the Mosque. The analysis of the demands and the reactions of both government and the *ulama* will be followed in order to bring out the changing balance between the two main actors at the centre of this research.

In order to analyse the causes of the movement, it is necessary to look first at the socio-economic features of the members of the rebellious group. The two main characteristics of this group were its family links with sections of tribes (such as the Utaiba, Matir and Yamma) associated to the rebellious *ikhwan* on the one hand, and on the other, its connection with the situation of the nomadic population in general after government policies to settle this population. The policies pursued by the state in order to enhance the sedentarisation of the nomadic population encompassed the creation of agricultural projects (Wadhi Sirhan 1958, Harad, Jabrin 1972), as well as land distribution, initiated since 1968, aimed to assist the bedouins in their transformation into sedentary farmers.

In spite of governmental support, the agricultural projects failed after periods of drought, due to the lack of proper planning and timing. The lack of technical skills on the part of the nomadic group also had an impact (Fabietti, 1981: 191), and the distribution of land brought about inequality inside the tribal groups. The receivers of

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<sup>161</sup> The figure of *Mahdi* refers to the arrival of a person who is rightly guided by God, before the end of the world, to restore religion and to administer justice. See Macdonald, D. (1987). "al-Mahdi" *EI*. (Leiden: E.J. Brill). pp. 111-115.



land were those connected to the *emir* or to those distributing the land, which introduced differences in terms of possession of land, in contrast with the solidarity and sense of egalitarianism previously prevalent in tribal groups (Fabbieti, 1981: 196).

Up to the decade of the seventies, the majority of bedouins had become sedentary in great numbers, with 10% of the total population remaining nomadic. The programmes of urbanisation and the concentration of activities and work in the cities initiated since the fifties attracted bedouins, many of whom composed the poor strata in the big cities, while others became involved in the National Guard or in the Army. The lack of education and skills to adapt to the new style of life stressed the contrast between their traditional ways of life and urban life. That, together with their dissatisfaction over the lavish living conditions and westernisation of some parts of the society, led to the alienation of some parts of the previously nomadic population (Kostiner, 1990: 245).

In general, the period of the late sixties and the beginning of the seventies was characterised by the introduction of reforms and new technology, such as education for girls and television, provoking diverse reactions among the Saudi population. Among other important reforms were the introduction of changes in the religious sphere, such as the re-distribution of functions and offices, including the creation of the Ministry of Justice after the death of the grand Mufti Sheikh Ibrahim. These reforms were linked as well to changes at the socio-political level.

The claims sought by Juhaiman's group offered some parallel with the demands of the rebellious *ikwhan* during the late years of the 1920s and beginnings of the 1930s (Kechichian, 1990: 8-9; Ayubi; 1991: 101; Ochenswald, 1983: 276). In fact, the leader of the group, Juhaiman, was the grandson of Sultan ibn Bijad ibn Humaid, one of the leaders in the rebellion against King Abdul Aziz. As with their predecessors who had complained about the introduction of telegraph and radio, Juhaiman and his followers

complained about photographs and television. Furthermore, just as the rebellious *ikhwan* laid claim to the true Islam and portrayed the *ulama* as lacking legitimacy because they aligned themselves with King Abdul Aziz,<sup>162</sup> Juhaiman's group also claimed the role of Islam and criticised the *ulama* for their endorsement of the corruption of the regime.

Another important feature of the group was that most of them were students of religion, although some such as Juhaiman had dropped out their studies. This feature indicated that this group had been students in the early seventies or perhaps late sixties, at a time when religious mobilisation was invoked in order to counter-attack the threats which emanated from abroad, especially those embodied in the Arab Nationalism propagated by Nasser.<sup>163</sup> Also at that time Medina University was under the direction of Sheikh Ibn Baz and received many foreign students, especially members of the Egyptian Muslim Brotherhood, that can be considered as an influence on the group. According to Buchan, Ibn Baz was a teacher of some of the members of this group, as also were other high-ranking *ulama* (Buchan, 1982: 23).

According to Holden and Kechichian, it appeared that some of the high-ranking *ulama*, among them Ibn Baz and Muhammad al Luhaydan, knew about the activities of this group. But because of their concern over the changes introduced in the religious sphere and their fears over a decline of the *ulama*'s position *vis-à-vis* the political power, they let the group continue its activities (Holden, 1981: 517-518; Kechichian, 1986: 60). Also it is possible that some of these *ulama* agreed in principle with the position in favour of strengthening the role of Islam, but not with the political motives. It will later be shown that the *ulama* in the nineties sympathised with the dissident preachers, Safar al-Awali and al-Audah, but not with the political tones or implications of their arguments.

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<sup>162</sup> See third chapter .

<sup>163</sup> See third chapter .

The content of Juhaiman's publications<sup>164</sup> was focused primarily on a critique of the legitimacy of the Saudi regime along with the demands for reinstating the importance of the tribal community. First, as has been mentioned earlier, this group (as in the past did the rebellious *ikhwan*) claimed to be the true defenders of the faith. Secondly, they questioned the legitimacy of the House of Saud. According to them, the deviation from Islam started from King Abdul Aziz (who had betrayed the *ikhwan*), and also they stressed that the wealth, which derived from the exploitation of oil contributed to the corruption of the regime. The first case represents clearly a claim based on the perceptions of King Abdul Aziz's treason against the *ikhwan* movement. In addition this group questioned the legitimacy of the Al Saud family, and their right to be the guardians of the community. The second claim reflects the rapid economic change that Saudi Arabia experienced and the new style of life, which had brought about a contradiction with the principles of simplicity of Hanbalism and Wahhabism.

In this regard, Buchan shows that the first pamphlet (*Rules of Allegiance and Obedience: the misconduct of the rulers*) established as a main argument the characterisation of the al Saudi rulers as corrupt, and stating that rulers who do not follow the sacred sources deserve opposition. In addition, the Al Saud rulers were said to twist the law according to their own ends and had established relations with unbelievers and atheists (Holden, 1981: 518). The official *ulama*, and in particular Ibn Baz, became the object of attack in Juhaiman's pamphlets as being "agents of the corrupt regime, using religion to bolster illegitimate rule" (Kechichian, 1990: 12).

The content of the dissidence was not only the question of legitimacy of both the King and the *ulama*, but also the desire to establish a new form of government, where the head of the community would be chosen by the people. "Juhaiman stated that the Khalifah, or ruler of the Islamic state, must be a pious Muslim chosen by the people in a

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<sup>164</sup> For a comprehensive list of the pamphlets published and commented by western scholars see: Kechichian, J. (1990). "Islamic Revivalism and Change in Saudi Arabia: Juhayman al -'Utaibi's letters to the Saudi People" in *The Muslim World* 80, (1): 9-11.

general *bay'a* (oath of allegiance) and must uphold the religion" (Faksh, 1997: 93). There was clear opposition to the hereditary form of government, but even so, the group did not criticise the government in terms as strong as for example *kafir* (unbeliever) (Salamé, 1987: 313-314).

The motives behind these contentions stemmed from the desire of the individuals concerned to keep their identity in both tribal and religious terms. The group sought the restoration of the tribal community in the power structure, since after the establishment of the Kingdom the alliance of the *ulama* and the government had been to the detriment of the *umara* (Kechichian, 1990: 12; Mordechai, 1988: 11). As analysed in the third chapter, this was also an issue behind the complaints of the *ikhwan* in 1927, and had been suppressed by King Abdul Aziz reinforcing the *ulama*-ruler relationship. The restoration of pure Wahhabi and *ikhwan* beliefs was at the core of their proposals, and with the acclamation of the *mahdi* they aimed to create an ideal society.

The government's reaction was to ask for the opinion of the official *ulama*, several days after the incident. Two main documents contained the *ulama*'s rulings decisions were published, the *fatwa* published in local newspapers and another more extended *fatwa*.<sup>165</sup> The first *fatwa* began by acknowledging that King Khaled requested their opinion on the events of Mecca. The response by the official *ulama* was to give permission for the use of force in case the armed group would not give up their arms. This was based on a verse of the Qur'an: "But fight them not at the Holy Mosque unless they first fight you there. But if they fight you, slay them. Such is the reward of those who suppress the faith".<sup>166</sup> The authorities in their public appearances stressed that they took action in the mosque after receiving the approval of the *ulama*.

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<sup>165</sup> The first *fatwa* was accompanied by a communiqué published in local newspapers. See BBC SWB/ME/6281/A/9 (26 November 1979) and Kechichian, J. (1990) *Op. Cit.* The second *fatwa* is accompanied of a summary of the main points in Ibn Baz, Muhammad Ahmad al Abdul Aziz (1990). *Majmu'at al-fatawa wa maqalat mutanaw'at* [collection of fatawi and addresses]. (Riyadh: Department of Religious Guidance, Advice and Call, National Offset Printing Office). pp. 89-96.

<sup>166</sup> BBC SWB/ME/6281/A/9 (26 November 1979).

In the second *fatwa*, the *ulama* started to disqualify the action of the insurgents for the violation of the holiness of the Mosque, in the sacred month. The armed group, they said, according to the Qur'an and traditions deserved the most grievous chastisement (Ibn Baz, 1990: 89). The *ulama* accused the group of being deviationist and separatist, comparing them with the *khawarij* <sup>167</sup>(Ibid. 91). Then they defended the ruler, establishing that this was a rebellion against the legal ruler, to whom a lawful and Islamic *bay'a* has been given (in contrast to the *bay'a* given to the *mahdi* at the mosque). Also it was emphasised that the state had not done anything to deserve the rebellion of its people. For these reasons the members of the group deserved to be beheaded or to die as unbelievers, since they were causing division in the community (Ibid. 89, 91). The acclamation of the *mahdi* was disqualified by the *ulama*, who stated that there were clear indications according to the sacred sources of the features of the *mahdi*, not as the group claimed through the dreams of Juhaiman's sister or the wife of the declared *mahdi* (Holden, 1982: 520).

The take-over of the holy Mosque at Mecca did not attract many followers. Juhaiman's group attracted more condemnation than sympathy inside the Kingdom and among the international Muslim community. The take-over lasted for two weeks. Some of the participants were killed in the mosque and others were executed later.

The reaction of the government immediately after these events was to reinforce the role of religion in the Kingdom. The allocation given to religious activities was increased in comparison to the previous economic plan from SR 1,262 millions is allocated during the Second Development Plan (1975-1980) (Ministry of Planning, 1981: 427), the allocations in the Third Development Plan (1985-1990) reached the figure of SR 9,043 millions (Ministry of Planning, 1991: 80,390). The policy of supporting the construction of mosques was emphasised once more. The appointment of

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<sup>167</sup> The first separatist group in Islam. This group is considered deviationist, since they refused to arbitrate the dispute between Mu'awiyya and Ali according to the judgment of Qu'ran at the battle of Siffin. See Della Vida G. (1987). "Khawaridjites" in *EI*. (Leiden, E.J. Brill). pp. 904-908.

a member of the Al al-Sheikh family to the post of Minister of Justice constituted an attempt to restore the traditional pattern of the Al al-Sheikh family being in charge of the justice system.

The *ulama*, as pointed out by Al-Yassini, emphasised in their sermons after the event the legitimacy of the house of Al Saud, as rulers who uphold the Qur'an and *shari'a*. Also, they highlighted their conception of Islam as one of moderation and not of radicalism, in opposition to the one embodied in the arguments and actions of the rebel group. Oil and wealth, they said, are gifts of God and should be enjoyed with moderation. In this regard, it was noticed that prominent *ulama* appeared in television programmes in order to explain the compatibility between Islam and well being (Al-Yassini, 1985: 128).

In general, during the decade of the eighties, the government tried to reinforce its commitment to religion and the role of the *ulama* supporting them. Some of the people interviewed commented that during the eighties the power of the *ulama* was at its height. The enforcement of women's regulations and the activities of the religious police provide evidence to support this opinion.

## **5.2. The Opposition in the Nineties**

The Second Gulf War (1990-1991) was the catalyst for the emergence of organised voices of dissidence in Saudi society. The events that shaped the Iraqi invasion of Kuwait and later Iraq's defeat have been the object of numerous analyses in different sources. The invasion provoked fear in Saudi Arabia over an escalation of the conflict over Saudi territory, and as a result the assistance of United States was sought in order to prevent the fear from becoming a reality.

The Second Gulf War exposed the vulnerabilities of Saudi Arabia, as well as of the other Gulf countries, in both external and internal aspects. The reliance on the United States and Western forces, in general, to defend the Saudi Kingdom became subject to criticism, as also was the amount of money spent on defence. The amount of money spent by Saudi Arabia on the Desert Storm military operation amounted to 60 billion dollars, in addition to the 20 billion dollars already spent on helping Iraq in the war against Iran. This spending made Saudi Arabia feel the effects of economic recession, emphasised by the continuous decline in the price of oil since the 1980s. The appearance of deficits in the yearly budgets and the plans to curb them provoked a reduction in subsidies and a rise in prices, including fuel (Gause, 2000: 82-84).<sup>168</sup> At a social level, the policy of enforcing Islamic values and the role of the *ulama* in allowing the entrance of foreign troops, was regarded as a paradox. The continuous religious mobilisation to support the legitimacy of the regime during the eighties reverberated during the nineties in an opposition that used Islam as a mantle for its demands.

In order to understand how the contestation was produced, it is necessary first to look at the reaction of government and *ulama* to the issues of the defence of the country, as this is the context where the opposition groups emerged. Then an analysis of the demands of each opposition groups will follow in order to study the nature and scope of those groups and the effect on the balance of the relationship between the *ulama* and the government.

### **5.2.1. Defending the country**

After the invasion of Kuwait and after knowing that Iraq's troops were deploying on the north east frontier (close to the area where the oil reserves are), the

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<sup>168</sup> Also see an analysis on the budget limitations and the economic policies implemented by the government in the decade of the nineties see: Krimly, Rayed (1999). "The Political Economy of Adjusted Priorities: Declining Oil Revenues and Saudi Fiscal Policies" in *Middle East Journal* 53, (2): 254-267.

King decided to request the support of American forces, as a preventive measure, hoping that this would deter Iraq from advancing into the Saudi Kingdom. As happened on other occasions, the unity of the royal family and the search for religious legitimacy to endorse government policy were of key importance in responding to the challenge. At the governmental level, King Fahd in response encouraged the international Muslim organisations to pronounce their opinion in favour of his policy, bolstering the regime's Islamic legitimacy abroad. At the internal level, the official institutions of *ulama* made declarations supporting the policy pursued by the state.

The *ulama* issued a *fatwa* supporting King Fahd's request. The terms employed in the *fatwa* echoed those used by King Fahd, stressing the measure of prevention of such policy.

"This duty is dictated by necessity in the current circumstances, and made inevitable by the painful reality, and its legal basis and evidence dictates that the man in charge of the affairs of the Muslims should seek the assistance of one who has the ability to attain the intended aim. The Qur'an and the Prophet's Sunna have indicated the need to be ready and take precautions before it is too late..."<sup>169</sup>

The Board of Senior *Ulama's fatwa* was followed by the *fatawa* from the nominal Mufti Ibn Baz, and the Council of *Ulama* from Medina. The remarks of the Mufti were oriented to underscore the illegality of the aggression committed by Iraq against Kuwait. According to Ibn Baz, in terms of the links and unity that should exist among Muslim countries, this action was against Islamic teachings and international law (Ibn Baz, 1991: 22). The Mufti saw it as imperative for all Muslim and Arab countries to condemn Iraqi actions, and established that the Iraqi regime according to Islam should return the territory and solve the problem by peaceful means (Ibid.). Finally the Mufti declared as correct the King's policy regarding the request of assistance from non-Muslims, because of the necessity of the situation, with the

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<sup>169</sup> BBC SWB ME/0843/A/3 (15 August 1990).



objective to defend Islam and the Kingdom (Ibid. 23).

The reactions, against the policy of allowing non-Muslim troops into the Saudi realm, were based on the grounds that this violated the sanctity of the holy places. These reactions came immediately from Iraq and others countries,<sup>170</sup> as well as from internal circles in Saudi society, as will be shown in the following sections. One of the *fatawa* that was issued in order to placate criticism concerning the violation of the sacred territory was the *fatwa* from the council of *ulama* from Medina, which stressed that the presence of foreign troops was not in the sacred territory. The *ulama* favoured the policy followed by the king and clarified that the holiness of the sacred places was not in jeopardy, since the troops of the US and the countries participating in the military coalition were in the Eastern province —more the 1,500 kilometres away. They also vindicated the role of the Saudi government in the protection of the sacredness of the two holy places, and of the Islamic shrines (Ministry of Information, 1992: 48-49).

In another *fatwa* Ibn Baz said: “there is no doubt that asking the help of a non-Muslim to defend and protect the Muslims from the enemies is permissible according to the *shari’a* and is even a duty at time of the necessity”, supporting his opinion by the traditions of the prophet (Ibn Baz, 1991: 34).

### 5.2.2. Defending women’s role

As stated in the previous chapter, the government and the *ulama*, in an attempt to reinforce the regime’s legitimacy during the decade of the eighties, focused on restricting the role of women. In spite of these restrictions women were able to play with the rules in order to cope with the boundaries imposed by social practices. Some,

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<sup>170</sup> It is important to note that the use of Islam and the proclamation of *fatawa* came from both sides of the conflict, one from Saudi Arabia and her allies and the other from Iraq and its supporters. Although the latter is out of the scope of this study. See Haddad, Ivonnne (1996). “Desert Storm and the War of *Fatwas*” in Masud, Muhammad Khalid, Brinkley Messick and David S. Powers (eds.). *Islamic Legal Interpretation: Muftis and their Fatwas*. (Cambridge, Massachusetts: Harvard University Press). pp. 297-309.

taking advantage of the "disadvantages", have been able to excel in their areas of occupation.<sup>171</sup> A group of women have been using literature to challenge the system, subverting the elements used to justify their subordination in order to contest the dominant discourses and policies.<sup>172</sup>

In this section the purpose is to focus on how women have been able to challenge society's norms, using the Islamic discourse in order to defend their role in society. Particular attention will be given to the issue of women's driving rights,<sup>173</sup> and the current discussion of the issues and challenges that women have been facing after the second Gulf War.

One context of the women's position was highlighted by the Gulf crisis and the contrast between the restriction on Saudi nationals and the relative openness of the regime towards foreigners. Some flexibility in the rules was introduced, in part, by the arrival of Kuwaiti families, and, in particular, by the fact that Kuwaiti women were driving their cars from their country to Saudi Arabia. The presence of military personnel and media during the Second Gulf War further encouraged the flexibility of the rules. Moreover, the Saudi government encouraged women to participate as volunteers providing medical and nursing assistance.<sup>174</sup> The response of women to the governmental policy was positive and was inspired by a sense of patriotism.

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<sup>171</sup> In spite of the limitations that women have to deal with in order to do research, such as having only an assigned day to use certain libraries, or having to request material by fax or phone from a number of libraries, and only being allowed to specialise in certain areas, women in their different fields have been able to carry out important research. In addition, women have been able to contribute to their community through charity programmes established by women.

<sup>172</sup> During the 1980s women were able to address issues related not only to them, but also to the whole of the society. As Arebi's study about women writings shows, women through literature have been able to recreate the role of women both in ideal and real terms, challenging the view of women portrayed by religion, tradition and the holders of power. Arebi, Sadekka (1994). *Women Words in Saudi Arabia: The Politics of Literary Discourse*. (New York: Columbia Press). pp. 268-269. In the seventies women were discussing issues like polygamy, unrestricted divorce discrimination between boys' and girls' education, restricted personal freedom, among other topics according to al Manea, Azeezah a (1984). *Historical and Contemporary Policies of Women's Education in Saudi Arabia*. (Unpublished PhD Thesis, University of Michigan). p. 141.

<sup>173</sup> An extensive narration and analysis has been elaborated by Doumato, Eleanor (1992). "Gender, Monarchy, and National Identity in Saudi Arabia" in *British Journal of Middle Easter Studies* 19, (1): 31-44. Also see, Doumato, Eleanor (1995). "The Ambiguity of *Shari'a* and the Politics of 'Rights' in Saudi Arabia" in Afkkhaim, Mahnaz (ed.). *Faith and Freedom: Women's Human Rights in the Muslim World*. (London: I.B. Tauris). pp. 147-151.

<sup>174</sup> See *Saudi Gazette* (14 September 1990). p. 3; also 17 and 25 September p. 3.

The situation of relative openness and the presence of the international media were used as an occasion for forty-seven women to demonstrate in favour of their rights to drive cars in Saudi Arabia. The group of women drove their own cars for less than half an hour in Riyadh and submitted a letter to Prince Salman, governor of Riyadh. As Doumato highlighted, the women in their petition to the prince used Islam as the basis on which to claim their right to drive:

..."Our demand is corroborated by religion. The traditions of our Prophet Mohammed, may God's blessing be upon him, the Four Caliphs and the early believers and their dependence on the efforts of women are evidence confirming the greatness and comprehensive nature of Islam in acknowledging the rights of everyone. The prophet, may God's peace and blessing be upon him, said, 'Take half of your religion from this 'red-haired women'" (Doumato, 1995: 139).

Society, in general, reasserted its conservatism through its reaction to the demonstration. The reactions of society, in general, were those of condemnation, showing that conservatism and traditional values were deeply rooted in society. The demonstration, in a time of crisis over the legitimacy of the regime, went against the "established" rules of society.<sup>175</sup> The women were eventually set free, after being detained for many hours, but their passports, together with the passports of their husbands, were confiscated, the women lost their jobs and they were not allowed to travel. The reaction of fellow women was that of shame against the demonstrators, according to a number of interviewees. Furthermore during Friday sermons they were considered "the worst of the society" by both official *ulama* and by non-conformist *ulama*.

The *ulama*, before the non-conformist *ulama* could take a lead on the issue, issued a *fatwa* declaring women driving as being opposed to Islam. This *fatwa* portrayed women driving as an activity which would lead to depravity, and stressed the

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<sup>175</sup> One of the interviewees expressed his ambivalence towards this issue stating that he agreed with the demand of the women demonstrators, but the time conceived by them was wrong, since they delayed the public discussion of the matter for more years. Interviewee f.

confinement of women to the private sphere:

..."Women driving leads to many evils and negative consequences. Included among these mixing with men without her being on her guard. It also leads to the evil sins due to which such an action is forbidden...The purifying law forbids all of the causes that lead to depravity... Women driving cars, however is one of the causes that lead to that..." (Ibn Baz, 1996: 310-311).

The Minister of the Interior, Prince Nayif, issued an announcement re-stating the official ban on women driving for both Saudi women and foreign residents,<sup>176</sup> based on the *fatwa* by the Council of the *Ulama*, adding that there would be a suitable punishment for the violators of the ban which "goes a long way in protecting sanctity and preventing the causes for the degradation of women".<sup>177</sup> Later in an address by the Minister of the Interior to the Literary Club in Riyadh, the Minister stated that the government would not tolerate any demonstrations, as long as the doors of the officials are open to discuss any matter. He depicted the women demonstrators as women who were educated abroad and had received non-Islamic education.<sup>178</sup>

The government and the *ulama* acted in tandem, condemning the demonstration and banning women from driving. The government exploited the affair, distracting public attention on the polemic raised by the presence of foreign troops in the country. Prince Nayif in his address to the literary club in Riyadh, reiterated the dangers of adopting Western ideas. He stressed the importance of protecting the youth in particular from "destructive ideologies and suspicious imported culture".<sup>179</sup> The *ulama*, by standing against the driving demonstration, tried to remove the possibility that the women's issue would be contested by the fundamentalist or extremist *ulama*.

Once more women were at the centre of polemics. The Gulf crisis and the effects on Saudi society made women the scapegoats of the regime, to vindicate its

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<sup>176</sup> Although the issue of western women from American forces was not discussed, obviously an exception was made. *Arab Press Service* (17 November 1990); BBC SWB ME/0922/A/12, (15 November 1990).

<sup>177</sup> *Saudi Gazette*, (14 November 1990). p. 1.

<sup>178</sup> *Saudi Gazette*, (16 November 1990). p. 1.

<sup>179</sup> *Ibid.*

religious credentials and to defend the country from the influences of the Western presence. For the *ulama*, this was particularly important for their stance in the context of the conflict, reaffirming their authority and avoiding any interference or challenge to their monopoly of interpretation over women's roles. Only recently did the women's demonstrators gain compensation for the loss of their jobs, but even nowadays some of them continue to face hostility in their social and work activities.

The economic effects of the Gulf crisis emphasised the need for women to work outside the house and, at the same time, emphasised the economic burden that hiring a chauffeur or a taxi represented. The appearance of graduate women being unemployed and the freezing of public employment had made it difficult for women to face the situation.<sup>180</sup> According to the official sources, by 1996 women's enrolment in university continued to increase to 104,489, representing 47,24% out of the total of students (221,177) enrolled. (Ministry of Higher Education, 1997: 21). Although new areas of work had been taken by woman, in the media, computing, and business, they still face difficulties in finding jobs, due to economic and social circumstances.

According to interviewee f, the limitations imposed on women have affected the development of society. If the government freed women, it would reduce the pressures on men, and would reduce the money going abroad as foreign remittances. Another interviewee, m, also agreed with the idea that women should be integrated into the labour force, and stressed the economic waste represented by the maintenance of big buildings for ladies bank branches. According to a religious scholar, J, women should have a public life and should have wider options regarding their educational options, but without the problems that women face in the Western world.

From a social point of view, the obstacles that a woman has to face still come

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<sup>180</sup> See Doumato, Eleanor, Abdella (1999). "Women and Work in Saudi Arabia: How Flexible are Islamic Margins" in *Middle East Journal* 53, (4): 568-583.

mainly from male attitudes. In a survey done by Arab News,<sup>181</sup> 80% of the interviewees agreed with the idea of women working outside their homes, but most stressed that women's jobs should be in "an environment with fixed parameters in accordance with traditional and religious values". Also of importance was the reference made by some males and females to the importance of a women's salary to alleviate the financial burden, although this was only openly recognised by 30%. The majority of respondents indirectly expressed the importance of having an extra-income, but they tackled the issue in traditional and religious terms, emphasising that a woman's income would enhance their independence and they would be able to spend the money on their own personal effects.

Behind the stance of the groups of men, it is important to stress how well engrained is the notion of traditional and religious values, that set the parameters of women's space and behaviour. The role of *ulama* in re-creating the role of women in society, through their *fatawa*, was seen as natural.

Women have become more vocal in contesting their role in society publicly, addressing social problems. One case of this is Nourah al Khereji, a contributor to the newspaper al-Medina, whose articles appear translated in Arab News. She addresses the issues of the power of *mutawwa'a*,<sup>182</sup> the lack of rights for women regarding the problems faced in dealing with the governmental institutions, education and other social problems. She wrote three open letters to the Shura Council, invoking Islamic teachings and providing examples of women figures from the past. The content of the first letter was a plea for a change in the laws, along the *shari'a* precepts, relative to the laws of *Qawama* or trusteeship in the cases of divorced women.<sup>183</sup> The second petition was

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<sup>181</sup> This survey was performed on 50 males from allegedly all socio-economic backgrounds by submitting to them a written questionnaire. *Arab News* (23 January 1998). p. 3.

<sup>182</sup> Al-Khereji, Nourah. "From preventing vice and promoting virtue to tracking women and families: mutawwas give themselves a new role" *Arab News*, (29 January 1999). p. 3.

<sup>183</sup> Al-Khereji, Nourah. "Letter to Shoura on Plight of Divorced Women", *Arab News* (5 March 1999). p. 3.

about the role of the male guardian and the difficulties raised by this requirement.<sup>184</sup> She exhorted the *ulama* to reconsider the question of male authorisation, inviting the jurists to re-examine this issue in the light of women making pilgrimage without *mahrim* (guardian or custodian). The necessity of having to ask for male authorisation, in order that women can travel, is an issue that has been present for the last twenty years. In al Khereji's view, attention should be drawn to establishing a certain age where women can travel without authorisation. Another situation which Nourah identified was the authorisation for medical anaesthesia, where again male authorisation has to be provided. Men come to be completely in control of women, and a "woman is not recognised as a person responsible for herself and her body". The third letter made reference to the problems faced by Saudi women married to non-Saudis.<sup>185</sup> In this case, the writer asked for a revision of some rights that are restricted for this type of family, like equality in education, allowing men to exercise the legal authority over his spouse, granting the husband a permanent *iqama*, etc. Also in this third letter, the writer exhorted the government to issue women with separate identification cards (ID) with photographs since this would enhance women's mobility.

The Minister of Interior declared in March 2000 that soon women would have a separate ID.<sup>186</sup> The issuing of the ID would be under women's control, in order to comply with traditional and religious norms. In his announcement, Prince Nayif emphasised the role of the government as women's guardian, saying "Women make up half of our society and the government, especially the Interior Minister, has always looked after their concerns".

In May 1999, Crown Prince Abdullah, touring the Eastern region, made some remarks that brought back the polemic about women's right to drive. Also a high-

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<sup>184</sup> Al-Khereiji, Nourah. "Do Women Always Need a Male Guardian?", *Arab News* (12 March 1999). p. 3.

<sup>185</sup> Al-Khereiji, Nourah. "The Problems that Woman Faces when Married to a Foreigner", *Arab News* (19 March 1999). p. 3.

<sup>186</sup> *Arab News*, (22 March 2000). p. 2.

ranking prince suggested that the idea of women driving would be the subject of discussion in the Shura Council. In addition, another source linked to the government said to the researcher that in the near future women would be allowed to drive under certain conditions, such as age, and with a restriction to certain areas as a starting point.

Once more, the reaction of the official *ulama* was quick. They released pamphlets against women driving, also the Board of Senior *Ulama* issued another *fatwa* about what has been published on women. In this *fatwa* four points reaffirmed the stance of the official *ulama* towards the women's issue. The first one was about the use of *hijab* (veil), seen as a duty according to the holy sources. This ran counter to women driving, since she has to be covered. The second was specifically about the ban on women driving, saying that asking this would lead to women mixing with men and cause chaos in society (similar to the previous rulings). The third point stressed that women must not mix at work; and the fourth banned the use of photos of women on card identities.<sup>187</sup>

Recently Prince Nayif, the Minister of the Interior, reiterated the policy of prohibition on women from driving a car, addressing a group of students (by closed circuit television) at the Girl's Education College. He remarked that "the permission for women driving will only be discussed after society accepts the idea".<sup>188</sup>

As has been shown, women constituted the symbol of the government and the *ulama* to show their protection of Islam and society, at the same time influencing Saudi perceptions of women's role. Women's issues in times of crisis, become a source of unity between the government and the *ulama* which act in tandem to show the commitment to religion. On its part, society has recreated the roles of women according

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<sup>187</sup> Bayan al-lajnah al-da'imah lil-buhuth al-'ilmiyya wa al-ifta' hawla ma-nushira fi al-suhuf 'an al-mar'ah [The Statement of the Permanent Committee of Research, and Guidance and Opinion About What has been Published in the Newspapers on Women]. 12 May 1999. Signed by Ibn Baz, Sheikh Abdul Aziz bin Abdullah ibn Baz, Mohammed al-Al-Sheikh, Dr. Bakr bin Abdullah Abu Said, Dr. Saleh bin Fawzan al-Fawzan,

<sup>188</sup> *Arab News* (28 April, 2000). p. 2.



to religious opinions and government policies, creating and recreating the rules, as the attitude of men showed above. Nonetheless, these social practices are not homogeneous, since there is a group of women that rebel against the boundaries imposed on them and a group of men who want women fully integrated.

### 5.3. The Petitions

The most striking feature of the developments that took place during the Gulf crisis was the salient criticism towards the Saudi regime by Islamic opposition and other groups. The criticism of the presence of foreign troops on Saudi soil was a starting-point for critics, following the events of the Gulf war, to launch a wider critique of the Saudi political system. Basically two petitions caused considerable concern among the ruling elite: the petition of the "liberals" (so-named by the western media) which appeared in December 1990, and the petition of the religious scholars that emerged during February and May 1991, to become endorsed in the memorandum of advice in September 1992.

The use of the mosques and the recording of sermons and lectures with critical arguments against the Saudi regime came to represent a challenge to the political and religious discourse traditionally held in the hands of the ruling family and the official *ulama*. Nonetheless, the core of the opposition voices came from inside the establishment itself: professors from Universities, leading *ulama* and judges among others.<sup>189</sup> The consensus about the disclosure of the opposition in this context among western scholars was explained as the result of the weakness of the state to defend their territory and the reliance of the government on the help provided by United States, sided

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<sup>189</sup> As described by Dekmejian, the 52 signers of the petition and the 109 of the memorandum, were mainly from the middle class and from Najd. A significant number of signers had PhD's and were dedicated to religious affairs. See Dekmejian, Hrair (1994). "The Rise of Political Islam in Saudi Arabia" in *Middle East Journal* 48, (4): 635-636.

with economic problems (Rathmell and Alani, 1996; Fakash, 1998 and Gresh, 1995). These problems were perceived by some Saudi people as a threat to their homeland, especially Saudi government links with western allies provoked a reaffirmation of Wahhabi identity *vis-à-vis* them (Dekmeijan, 1994: 630). The emergence of religious opposition showed once more the attempt to redefine the norms of the society and the political system (Asad, 1993: 211).

As an immediate consequence, the relationship between the government and the official *ulama* was tested. The official *ulama* tried to mediate between the core of the opposition *ulama* and the government. In this section, an analysis of the petitions delivered to the King and the response of the regime to the growing opposition is presented. It is important to define the points of discontent and their continuity in the appearance of defined oppositionist groups. Emphasis will be given to how the *ulama* became fragmented over the issue of the criticism, and to look at the links which existed between the official and non-official *ulama* with the aim of assessing the impact of the latter on the former.

The so-called "liberal petition", which appeared published in February 1991, was presented to the King during the last months of 1990 or early in 1991 by a group of professionals and businessmen. This group of liberals was composed of technocrats such as the ex-Minister of Information Ahmad Abdu Yamani among others. The petition was moderate in the requests presented, emphasising the adherence of the petitioners to Islamic law, in order to avoid any criticism by the religious groups. The "liberal petition" requested the formation of a consultative council at national and regional levels, following the Muslim practice of *shura*, with limited powers and the adoption of a system of regulations elaborated by the Board of Senior *Ulama* and intellectuals. This petition also included the demand for opening up of media, a revision of the role of

women and a complete reform of the educational system.<sup>190</sup>

In May 1991, the religious grouping, composed of fifty-one individuals presented a petition to the King, endorsed by Sheikh Ibn Baz and Sheikh Uthaimin.<sup>191</sup> It is well known this petition brought into debate the issue of the balance in the relationship between the government and the *ulama*. The petitioners wanted a bigger role for both religion and the *ulama*. For this reason, they asked for the supremacy of Islamic law in all aspects of the Kingdom, stating the need to eliminate all the non-religious regulations issued and strengthening the religious institutions. In this regard, one of the most important requests was for the homogenisation of all judicial institutions along with their independence from the King. Furthermore, they requested the accountability of public servants according to the *shari'a* and the opening up of the media. The point of convergence with the "liberal" petition was the creation of a consultative council, but the religious grouping wanted this to have a broader scope than that delineated by the former. According to the religious grouping this council should have the power to intervene in domestic, as well as foreign affairs.

The reflection of the criticism about the issue of foreign troops in Saudi territory and the reliance of Saudi Arabia on Western allies to defend its territory found ground in these demands. The religious grouping raised the demand for a foreign policy based on the *shari'a*, avoiding alliances that run counter to it. The army and its role in defending the country was emphasised by the request to have some diversification in the acquisition of arms, avoiding dependence on Western countries. On the other hand, the references made to the economic situation were also important. The criticism emphasised the waste of money and the unequal wealth distribution, calling for the elimination of taxes and a reduction of fees, as well as the elimination of usury from the economy and the introduction of Islamic banking in the Kingdom.

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<sup>190</sup> *Al Bilad* 43 (15 June 1991). pp. 30-33. See also Article XIX (1991). *Op. Cit.* pp. 50-51.

<sup>191</sup> See *Mideast Mirror*, (24 May 1991). p. 22. Dekmejian, Hrair (1994) *Op. Cit.* pp. 630-631.

### **5.3.1. The response of the government**

The response of the government was the establishment of the much-promised Consultative Council<sup>192</sup> and Provincial Councils,<sup>193</sup> and the formulation of the Basic Regulations System in March 1992. The domestic pressures, within the scope of the reformist opposition both in terms of religious or liberal lines, played an important part in the reforms introduced by the King. A brief analysis of these reforms will be given here, emphasising the strategies pursued by the state in the aftermath of the Second Gulf War. The response of the government was within the parameters of Islam and aimed at strengthening the regime's legitimacy by opening space for participation through the establishment of the Consultative Council. This analysis will be preceded by the remarks of King Fahd in his speech introducing the reforms, as a way to of highlighting how the government was trying to reaffirm its legitimacy.

As has been pointed out by Al-Rasheed, the message delivered by the King, introducing the reforms, constituted a powerful vehicle aimed at enhancing the King's legitimacy. He presented himself as following political and religious duties. On the one hand, he was responding to mounting opposition and, on the other, was presenting his authority within a framework of continuity anchored by Islamic traditions (Al-Rasheed, 1996b: 367). As Asad contends, if a voice wanted to become authoritative, his discourse has to be formulated in terms of representing the present with a positive evaluation of the past and using common symbols and institutions to which the speaker and the audience can relate (Asad, 1993: 210).

King Fahd's speech portrayed the reforms as based on continuity as regards respect for Islam and the commitment to defend Islam, its laws and the holy places. This continuity was put across as underpinning legitimacy, gained by the commitment to

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<sup>192</sup> The Consultative Council was promised by Faysal in 1962. Later in 1980, during the aftermath of the Mecca Uprising, King Khaled also promised the council. And finally King Fahd announced the formation of it in 1984 and later in November 1990.

<sup>193</sup> BBC SWB ME/1319/6A/7, (5 March 1992).

Islam and by the King receiving *bay'a* (allegiance), according to the religious traditions. The legitimacy of King Fahd and his predecessors was seen as sanctioned, not only by the ruled, but, even more important, by the *ulama* and Islam (Ibid. 373). The King underscored three features governing the relationship between ruler and ruled: advice, co-operation, and obedience. Regarding the first, the idea conveyed was that the government should be prompt to react to criticism, and in this conjuncture the King was the initiator of the advice. The other two concepts stressed the fact that obedience to the King is not only a political issue but also a religious issue, such that the King's rule was founded on religious legitimacy (Ibid.).

The three reforms introduced represent, in fact, the practices prevalent in the Kingdom. The Basic System of Regulations, composed of nine chapters, reaffirms Saudi Arabia as an Islamic State and the role of the *shari'a* in it. The division of power, in horizontal and vertical terms, is expressed. The horizontal division is represented by the different branches of government institutions: executive, judicial and legislative.

Regarding the executive, a new practice with regard to succession was introduced. The traditional practice, exercised since the beginning of the Saudi state, had been from father to son. However after the death of Abdul Aziz, the succession has been horizontal from brother to brother, respecting the order of seniority among them. According to these new regulations, not only would Abdul Aziz's sons be able to succeed the king, but also his grand-children (Article 5). The King, according to the new regulations, was the only authority who could choose or dismiss the heir apparent. King Fahd, by royal decree, reaffirmed Prince Abdullah as Crown Prince.

Regarding the traditional procedures to acknowledge the King, the failure to mention of the Committee of Prominent People (*ahl al-hal wa al-'aqd*) meant, as is stated by Aba-Ramay,<sup>194</sup> a movement away from the traditional religio-political

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<sup>194</sup> Aba-Ramay, Rasheed (1993). "Constitutional Reform: A Systematisation of Saudi Politics" in *Journal of South Asian and Middle Eastern Studies* 16, (3): 55-56.

partnership, since the *ulama* have to give their endorsement through the *bay'a*, as is stipulated in Section b of Article 5. These procedures remained along the lines of the Islamic traditions. In general terms, the King continues as the main source of authority in the Kingdom, holding the positions and privileges already in existence, while adding the power to amend or change the system of regulation.

The vertical division of power according to the new regulations involved the creation of provincial councils, allowing the system to open spaces at the regional level for debate and for assistance in the co-ordination of national and regional development plans. The main aim of the provincial council was to decide priorities on the spending and developments plans. The membership of this council is not only inclusionary of the official heads of provincial government (such as the *amir*, who is the chairman of the council, his deputy as deputy chairman, the commissioner of the region and the governors), but also included ten members selected from the province on the nomination of the *amir* and confirmed by the King and with the approval of the Ministry of Interior. In general these councils are linked to the Ministry of Interior, which acts as an intermediary between the ministries and the council in cases of differences between over policies or projects.

The most significant change in the legislative power was the creation of the Consultative Council, whose aim was to serve as a forum "to discuss and provide suggestions on the general policy of economic and social development",<sup>195</sup> to study international law, charters, treaties, etc., to interpret laws, and to discuss annual reports submitted by ministers (Article 15).<sup>196</sup> The membership was established at the beginning in 1993, with sixty members (in 1997 this was expanded to ninety), appointed by the King for a term of four years. According to the regulations, the choice of members was based on scholars and men of knowledge and expertise (Article 3).

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<sup>195</sup> BBC SWB ME/1319/A/6-7 (3 March 1992).

<sup>196</sup> See analysis of the role of the Consultative Council, its scope and functions in *Aba-Ramay Op. Cit.* pp. 73-76.

According to the regulations, the member should meet three conditions: he must be a Saudi national residing in the country, he must be good and competent, and he must be not less than thirty years old (Article 4).

The inclusion of Saudi citizens in the political debate can be considered to be a policy of co-optation by the regime, having symbolic and representational functions.<sup>197</sup> In terms of co-optation, the membership of the first Consultative Council (1993-1997) strongly reflected this trend. In the first Council, priority was given to religious scholars, in an attempt to show the importance of the *ulama* in the Kingdom. The symbolic and representative functions were manifested by these religious elements, headed by the chairman of the Council under Sheikh Abdul Jubayr (member of the Board of Senior *Ulama* and ex-president of the Board of Complaints). In sum, nine members were from the *ulama*, thereby expressing the symbolic historical alliance. The composition of this grouping, however, was such that they represented different conditions.

The policy of co-optation was evident from the inclusion of Abdallah bin Humayd (the Imam of the Grand Mosque, who had criticised United States support to Israel), Mani al Johany, Ahmad Al-Tuwayjiri and Zayd Abd al-Muhsin al Hussayn considered leading activists at King Saud University (all had been jailed in 1993) as members of the Consultative Council (Dekmeijan, 1998: 213).

The establishment of the Consultative Council was aimed at opening up the spaces between government and governed, in a policy of inclusion based in geographical and social considerations. The geographical distribution showed that the main allocation went to Najd and particularly to the area of Qasim, the cradle of Wahhabism. Hijaz came second in terms of representation, while the other provinces had less representation. The inclusion of *Shi'a* representation in the Council, one in the

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<sup>197</sup> Based in the classification of the Majlis roles described by Dekmejian, Hrair 1998. "Saudi Arabia's Consultative Council" in *Middle East Journal* 52, (2): 216-217.

first tenure of the Council and another two in the second tenure, indicated a further attempt to diversify the representational function and symbolised the rapprochement between the government and the *Shi'a* opposition which occurred in 1993. Additionally the tribal element, an important symbol in both Saudi history and present life, was represented by over one-third of the members of the Council whose family roots are related to the major tribal groups. But the overwhelming majority of the members were from the technocratic and bureaucratic sectors, which hitherto had lacked formal or informal channels of communication to the central circle of the regime (Dunn, 1995: 37).

The other branch of power, which was included in the Basic Regulation System was the judicial power. Several established practices were institutionalised under the regulations, such as the independence of judges and of judicial decisions (Article 46), and the role of the Supreme Judicial Council as the major regulator of the judicial affairs. The latter was made responsible for recommending the appointments or dismissal of judges to the King (Article 52). Nevertheless, in spite of the duality of the judicial system, the *shari'a* courts remained as the main channel to resolve such judicial matters (Aba-Namay, 1994: 68).

A few weeks after the changes were announced, King Fahd made some remarks in his meetings with the *ulama*, in an attempt to prevent criticism. The King admonished the *ulama*, stating that the scope of religious speech in the sermons should be limited to religious matters, instead of worldly issues that were not related to the common interest (Gause, 1993: 37).

The response of the government in general up to this stage was one of moderation, introducing reforms delineated in the context of Saudi culture and traditions. However it contained a strategy of reaffirmation of the regime's legitimacy, sustained by the religious traditions that the regime aimed to continue, with the help of



the official *ulama*, against the non-conformist *ulama* and other sectors of the society. The King's introduction of provincial government and the Consultative Council was aimed at broadening the participation of the citizens in political debate, without allowing participation in decision-making. The latter remained under the control of the first circle of royal princes, and especially the King.

### **5.3.2. "The Memorandum of Advice"**

After the implementation of the basic regulations, the Islamist opposition presented a Memorandum of Advice<sup>198</sup> to the King, where the issues expressed in their petition were addressed in depth. This memorandum was organised by Sheikh Abdullah al-Jibrin, Sheikh Salman al-Audah, Sheikh Safar al-Hawali and Sheikh Abd Allah al-Jilali. This document represented the core of the demands of the religious opposition in the Kingdom. The content was an amalgamation of the criticism expressed already in the cassettes and lectures delivered since the Gulf conflict, whose concern was focused on the presence of foreign troops and the laxity of the norms. It was difficult for the government to counter this line of criticism, since it could be regarded as a moral exhortation rather than a political criticism (Asad, 1993: 214).

The most important issue covered in this Memorandum was the role of religion in the Kingdom, in particular the role of the *ulama*. The writers of the document, when referring to the role of *ulama*, stressed the importance of the duty to call for forbidding evil and promoting good, according to the *shari'a*. Therefore the *ulama* and "callers" must have a high status in a Muslim state: they must be the first to be consulted and they must be the ones whom both rulers and ruled should turn to in order to clarify all issues related to religion and life (Memorandum of Advice, 1992: 16). The

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<sup>198</sup> *Mudhakirat al-nasiha* [Memorandum of Advice] July 1992 (n.p.p.).

memorandum contained ten sections, as had the petition: the role of *ulama* and callers, laws and regulations, the judicial system and courts, the rights of the Muslims, public administration, economy and finances of the state, social institutions, media, armed forces and foreign policy.<sup>199</sup> First, the signatories addressed the problems included in each issue, and after that gave advice.

According to the document, the *ulama* play a marginal role in areas where they should have a greater role, such as legislation, culture, economy and the formulation of domestic and foreign affairs. Their marginality is emphasised, according to the writers, in the fact that the *ulama fatwas* are sometimes overruled if they are in contradiction to government's regulations. The official *ulama* are portrayed as lacking autonomy and independence, because they are part of the government's institutions. Furthermore, sensitivity over the *ulama* giving advice to the government leads to a restriction of their duties. Their constraints are signalled, for example, by the control of the government in the recruitment of preachers, and the control exercised over the topics and content of the Friday sermon (*khutba*).

The memorandum put forward two sets of suggestions in order to remedy the situation. The first one referred to the ways the role of the *ulama* and callers should be reinforced. The second concerned the ways in which the state could perform its duty to implement *da'wa* (call to Islam) inside and outside the Kingdom. Regarding the reinforcement of the role of *ulama* and callers, seven suggestions or advices were addressed according to the Memorandum:<sup>200</sup>

1. The idea of lifting all governmental limitations imposed on the freedom of religious scholars expression was stressed. In order to surpass these limitations they considered important the freedom in areas such as, the publication of books, *fatawa*, organisation of lectures, distribution of cassettes. Regarding the allegation against the *ulama* and callers, only the courts should deal with this.

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<sup>199</sup> A well detailed description and analysis of the memorandum is presented by Fandy, Mamoun (1999). *Saudi Arabia and the Politics of Dissident*. (New York: St. Martin's Press). pp. 50-60.

<sup>200</sup> Memorandum of Advice *Op.Cit.* pp. 18-19.

2. It was propose the formation of organisations for the *ulama* and callers independent of any governmental department. The leadership of these organisations should be from the *ulama* of the community, rather than the *ulama* from the government, and the former *ulama* should be known for their knowledge and piety.

3. The nomination of *ulama* to the Board of Senior *Ulama* should be based on their piety and on the grounds of their ability to do *ijithad* (reasoning). The criteria of selection should be the acceptance of the community of believers. Their dismissal from office should be only for mandatory reasons.

4. In order to reinforce the role of *ulama* in establishing the *shari'a* law, a suggestion was formulated in terms that all system legislation and treaties must have the approval of the Board of Senior *Ulama* before their signature, in order to check their compliance with the *shari'a*.

5. The religious endowments should be separated from state revenues, so that they would be dedicated to Islamic activities and its distribution through a charity society composed by *ulama* and judges.

6. The activities of the *ulama* and callers should be expanded by enabling them to give and apply their advice in all departments and sectors of the government.

7. *Ulama* and callers from abroad should be invited to hold seminars, encouraging co-operation between Saudi *ulama* from other parts of the Muslim world.

In the case of the role of the state enforcing and supporting *da'wa*, the Memorandum presented five ways to attain this objective. The most important was the fact that the government should ensure that all of its departments followed Islamic law. The signatories suggested the formation of a special directorate for religious affairs in every department to ensure the fulfilment of Islam. Another important way was to open up the media, which is controlled by the government, in order to expand the space devoted to religious subjects and the scope of the media towards other countries. In general, the measures suggested requested the help of the state towards the spread and maintenance of religion, accompanied by the restructuring of the ways that the government managed the budget and wealth derived from the oil, according to Islamic principles.

Their opinion concerning the judicial system and the court system was formulated in terms of the establishment of a new balance in the relationship between

the *ulama* and the government. Their point of departure was the criticism of the double legal system that prevails in Saudi Arabia:<sup>201</sup> the *shari'a* courts and the committees for specific cases created by the government. They exercised the role of the government in the application of justice. For example the manner in which the emir or Minister of Interior could withdraw cases from the court, and the ban placed on governmental bodies dealing with Islamic courts or being the subject of legislation. The memorandum stressed the importance of abiding by religious judgement as one of the most important duties in a Muslim state (Ibid. 38).

Although the memorandum admitted that the Basic System of Regulations recognises the importance of the judicial system and its independence, the signatories aimed to consolidate a complete independence of the judicial system. In order to strengthen the autonomy of the judicial system, the memorandum called for a decrease in the intervention of the government in general. The signatories sought an independent role for the Supreme Judicial Council, which was regarded as important in safeguarding the authority of the *shari'a*. The memorandum stated that the Council should have the privilege to either request the governmental institutions to implement legal rules, or to ask anyone who causes the non-application of these to be subject to the courts for punishment. In addition, the Council should have the power to comment on the independence of jurisprudence. The members of the Supreme Judicial Council should be dismissed only on religious grounds. In parallel, a special system should be established, connected with the Supreme Judicial Council, through the implementation of the legal rulings and complaints about the lack of implementation.

The memorandum clearly supported the unification of the legal system. Unification for the signatories would be attained with the cancellation of more than thirty committees, and by limiting the Court of Grievances to disciplinary cases only. In

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<sup>201</sup> See chapter four.

general the revision of the judicial system and the regulations suggested in the memorandum had as a main aim the elimination of all the contradictions in the existing legal system.

Regarding the economic sphere,<sup>202</sup> the memorandum criticised the amount of money wasted in supporting non-Muslim countries, in paying interest on loans from international banks (especially those in the United States) and the policy of keeping the price of oil low. The non-separation of *zakat* from the government budget, according to the document, prevented the money from being spent in areas established by the *shari'a*. Again, the idea of establishing an institution to look after the distribution of *zakat* was brought here. The memorandum identified some areas which had not been given sufficient attention by the government such as education, (which areas needed schools and equipment), the medical sector (a better service to all the people) and in social security. The suggestions were basically an exhortation to the government to stop wasting money on other projects (such as the construction of sports halls, palaces, etc.), and to stop borrowing money because of the burden that this would represent for the future generations. Another important suggestion was that *riba* must be forbidden, stopping government from investing abroad and introducing a programme to establish Islamic banks. Regarding the oil policy, it was suggested that the government should protect the oil reserves by increasing the price of oil and should use the resultant revenues to increase the standard of living.

The way chosen by the Islamists was, nonetheless, inside the framework of "Islamic traditions". The signatories offered advice to the King, but did not oppose

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<sup>202</sup> *Ibid.* pp. 76-84.

him, the government or the state. The declared objective was to help the King to restore the role of religion in the Kingdom with the aim of strengthening the duty of commanding good and forbidding evil.

The government's reaction to the memorandum was moderate, in an attempt to enhance its own credibility and Islamic credentials. As in the case of the women's demonstration, the publication of the memorandum was regarded as being against the rules of the "political game". Tacitly the government tried not to condemn the content of the religious petition, but rather its publication. Otherwise mention of the content would trap the government in a debate. The government pursued a policy of discrediting the publication of the Memorandum, warning the non-conformist *ulama* to focus on religious matters (Gause, 1993: 158).

The official *ulama* followed the same stance as the government, denouncing the publication of the memorandum, and the intentions behind this act. The Board of Senior *Ulama* in its *fatwa* stressed several points.<sup>203</sup> It denounced the falsehoods contained in the memorandum, the way it was prepared and its publication. Regarding the falsehoods, the Board of Senior *Ulama* disqualified the signatories, establishing that they were "ignoring the good brought by the state". Furthermore, the signatories were portrayed by the Council as deviationist, ill-intentioned, ignorant, enemies and condemned their ideological links and commitment to foreign groups. The *ulama* ruled that the publication of the memorandum was against the Islamic tradition, since the offer of advice should be done in order to command good and forbid evil. According to the hadith "God expects from you three things: to worship Him, not to claim partners in deity with Him, and to cling to His rope and never divide and to give advice to whom God had entrusted with your affairs" (Ibid). The *ulama* through this *fatwa* made a call to close ranks.

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<sup>203</sup> BBC SWB ME/149/A/15-16, (21 September 1992).

The official *ulama*'s stance in this conjuncture was similar to the stance taken during the revolt of the *ikhwan*, where the *ulama* defended their position as the ideologues of the system against the rebellious *ikhwan*. The reason behind the *fatwa* against the Ikhwan, was the *ulama*'s fear that they would lose their status, in so far as the rebellious leaders claimed to be more religious than the official *ulama*. And the same was at risk in this period. However it should be noticed that they did not enter into questioning the points raised by the Islamists, in an attempt to avoid being questioned about their own role.

It is important to mention that, out of the eighteen members of the Board of Senior *Ulama*, six members did not sign the *fatwa*.<sup>204</sup> Later, on November 30, the King nominated ten new members,<sup>205</sup> replacing the ones who did not sign. Facing reports of the differences between the government and the religious body, the government in an official statement rejected those reports, stating:

“The author forgot to mention that the Kingdom of Saudi Arabia has since his inception established the foundations with the guidance of God’s book and the teachings of His messenger and that the Islamic faith which the government and people is eager to adhere”.<sup>206</sup>

Other measures taken by the government to strengthen its religious commitment were to give *ulama* more space, and to create new institutions dedicated to Islam. The declaration of Ibn Baz as Mufti in 1993, sought to underscore the central place of the official *ulama* as the highest authority in religious matters. The official nomination of a Mufti had been previously interrupted by the death of Sheikh Muhammad ibn Ibrahim

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<sup>204</sup> The following *ulama* were the ones who did not sign the petition: Abdullah Khayyat, Abd al-Aziz Bin Salih, Ibrahim Bin Muhammad Al-al-Sheikh, Abd al-Razzaq Afifi, Sulayman bin Ubayd, Abdel al-Majid Hassan.

<sup>205</sup> According to Royal Decree No. A/138 issued on the 30th of November 1992, the following *ulama* were nominated: Sheikh Nasir ibn Hamad bin Rashid, Sheikh Muhammad ibn Abdullah ibn Sabil, Sheikh Muhammad ibn Sulayman al-Badr, Sheikh Abd al-Rahman ibn Hamzah al Marzuqi, Dr. Abdullah ibn Abd Al-Mohsin al-Turki, Sheikh Muhammad ibn Zaid al-Sulayman, Dr. Bakr Bin Abdullah al-Sulayman, Dr. Salih ibn Abd al-Rahman al-Atram, Dr. Abdullah ibn Muhammad ibn Ibrahim al-Sheikh. BBC SWB ME/1533/A/6 (2 December 1992).

<sup>206</sup> BBC SWB ME/1566/A/9 (17 December 1992).

Al al-Sheik in 1972, since when no one had been nominated for the post. Another important decision was the division of the Ministry of Awqaf into two institutions, the Ministry of Religion and the Ministry of Mosques. In addition, the creation of the Council of Islamic Affairs headed by members of the royal family, represented an attempt by the government to create a pious image for two of the most criticised members of the royal family, Sultan and Nayif, and also a move to tighten the control over money invested in religious activities with the aim to avoid the deviation of funds to other activities.<sup>207</sup>

From the analysis of the petitions and the reaction of the government, it is clear that the religious opposition has constituted the only major organised opposition group: it has not needed to relate to, or to make concessions to, any other social groups, dominating the public discourse. This situation has constrained the government in the formulation of its agenda, since public opinion is mobilised around two poles — the government versus the religious opposition (Gause, 1993: 159). This has been reflected within the religious establishment, in the division between the official scholars and the non-conformist religious leaders. Furthermore, in spite of the fact that the events indicated the domination of the state power in the definition of the relationship between politics and religion (Ibid.), the dominance of the religious discourse as the only mean to express and to frame demands is the result of the politics that emanated from the relationship between the government and official *ulama*. The creation of values and norms is not imposed, but is created and recreated by society. More than ever, this type of consideration stresses the necessity for the government to balance its relationship *vis-à-vis* the *ulama*, in order to reinforce its credibility within society, as the only source that can endorse the legitimacy of the regime. In this regard, the formalisation of the independence of the judicial system and the predominance given to the *shari'a* courts in

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<sup>207</sup> When the researcher asked to some of the interviewees about the creation of this office and their effects on the role of the *ulama*, their answer was rather positive, since they agreed with the fact that separation of activities is beneficial for the maintenance and spread of Islam.



the system of regulations recognised the dependence of the state on the religious legitimacy. It was necessary to give the *ulama* independence in their own realm in order, both, for the *ulama* and the government to keep their legitimacy. This dependency exists both in terms of the structure of the operation of the governmental system, and in terms of the need to protect the government against criticism.

#### **5.4. The Opposition View of the *Ulama* and the Government**

The importance of the existence of religious opposition in Saudi Arabia is due to the fact that the discourse used by the non-conformist *ulama* is not identified as a return to the Islam of the first Khalifas, but as a means to assess the regime's compliance with Islamic principles both in internal and external politics.

The two main groups of *Sunni* opposition are the Committee for the Defence of Legitimate Rights and the Movement of Reform in Arabia, both currently based in London. These two groups are related to the religious movement called Islamic Awakening, which was the nucleus for the elaboration of the petition letter and the memorandum of advice. Two religious leaders, Safar al-Hawali and Salman al-Audah, were the principal voices of Islamic Awakening movement and are now associated with the two main opposition groups as sources of influence and example, since they are quoted in the propaganda and publications of these groups, and are regarded as examples of truly religious scholars.

These two non-conformist *ulama*, who represent the young generation of Islamic scholars, are not only experts in religious subjects but are also familiar with secular studies, particularly in the case of al-Hawali whose specialisation is on secularism. Both preachers became the voices of dissidence against the policy of relying on the United

States for the defence of the country. Their speeches, which were reproduced in cassettes, showed the feeling of threat represented by the subordinate relations of Saudi Arabia to the United States, in particular, and with the western world in general. In the case of Hawali, his idea of an ideal government is not a return to the period of the Prophet or the golden period of the Khalifas, but to the period of the first Saudi state (Fandy, 1999: 81). His preference is for a government based on co-operation between the religious and the political authorities, where the former constitute the senior partner. Salman al-Auda also urged the state to return to the original contract which lies at the bases of today's Kingdom (Ibid. 95). In general, al-Auda's criticism is not directed to individuals but to society in general, identifying the problems of corruption, material largesse that has benefited some, the lack of presence of religion in the media, the lack of dialogue between the authorities and society and the spread of secularist education and influence in the government (Ibid. 96).

The main feature of the opposition groups is moderation. There is no place for a revolution, with the exception of Usama bin Laden and his declaration of *jihad* against the United States.<sup>208</sup> All opposition groups criticise the excesses of the ruling family, but they concentrate on applying the principles already contained in the Memorandum of Advice. It is important to point out that these groups are to a great extent *Sunni* and that the geographical area they represent is mainly Najd. In addition, all of these groups now are based outside of Saudi Arabia. Also contrary to the idea of the religious leaders as conservative and against any innovation, they used modern technology to spread their messages, through cassettes, electronic means and faxes.

In the following sections, an analysis of the main religious opposition groups will be given.<sup>209</sup> The analysis will focus mainly on the formulations of the groups regarding the regime and religion.

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<sup>208</sup> "The Opposition", *Jane's Intelligence Review*, (1 December 1996). p. 20.

<sup>209</sup> For an extensive and detailed analysis of the opposition in Saudi Arabia see: Fandy, M. *Op. Cit*

#### 5.4.1. The Committee for the Defence of Legitimate Rights

This opposition group is directly linked to the genesis of the Islamic opposition in 1990, since it was the nucleus of the Islamic opposition that developed the petition letter and later the Memorandum of Advice. "The Committee for the Defence of Legitimate Rights" came into existence on May 7, 1993. The initial members of this organisation were very well known scholars, such Sa'ad al-Faqih (academic), Hammed al-Suleifeih, Abdullah al-Tuwaijari (academic and religious scholar), Abdullah bin Sulaiman al-Masari (well known Saudi religious scholar), Abdullah bin Abdul Rahman al-Jibreen (a member of the *Ifta*).<sup>210</sup> Soon after its appearance, the *ulama* declared the existence of this group illegal under the premise that the Kingdom implements *shari'a*.<sup>211</sup> The members were stripped of their jobs and were jailed. However, some of them like al Faqih and the Muhammad al-Masari (the son of the religious scholar, who became the spokesman of the group) sought asylum in London, re-launching the organisation in 1994.

The use of modern technology, fax and internet from London brought international attention to this opposition group and widened its local and international audiences. Nevertheless, the CDLR kept its roots, since its position and the content of its message remained to a large extent that already advanced in the Memorandum of Advice. The CDLR may be defined as moderate, since its aim is not to topple the regime, opposing the use of force. The organisation's aims are to make Saudi Arabia's government accountable, to regain the independence of the judiciary and to make the people aware of their rights according to Islamic law.<sup>212</sup> These three principles are in

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<sup>210</sup> Although later when established the CDLR in London, Ibn Jibrin issued a *fatwa* disqualifying the religious credentials of Al-Masari, and calling for the non-distribution of Al-Masari's false and exaggerated messages. *Mideast Mirror*, (3 May 1993). p. 190.

<sup>211</sup> Saudi Press Agency, (13 May 1993). p. 285.

<sup>212</sup> "Introduction to the CDLR" in <http://WWW.demon.co.uk/cdlr/abouteng.html> [28 August 1997].

line with the principles advocated in the Memorandum of Advice.

Through its publications, the CDLR has aimed to keep its audience in Saudi Arabia and abroad informed of the events taking place in the kingdom, especially the campaign of arrests and the policies implemented by the government.

The Committee's approach is critical of the government, but it is cautious in its comments about Crown Prince Abdullah and Ibn Baz, figures who are respected among the majority of Saudi people. In contrast their criticism is directed against particular members of the royal family, especially King Fahd, Prince Nayif (Minister of Interior), Prince Sultan (Minister of Defence) and Prince Salman (Governor of Riyadh). A key point of concern of the organisation is the question of the economic problems, not only in terms of the management of the Kingdom's resources but also of its impact on the Saudi population. Published material and its spread to the foreign media, particularly to the western media, was in fact its main asset, since the government is particularly sensitive towards international criticism.

The CDLR, in a series of articles, discussed the legitimacy of the regime and its position with regard to Islam.<sup>213</sup> The way that issues are addressed is through an examination of the Saudi government's performance in the fulfilment of aims and objectives set in accordance to *shari'a*. The formulation of the criticism followed the position already established in the Memorandum of Advice: the restitution of the place of Islam, giving independence to the judiciary system, the accountability of public servants and the appointment of officials according to their qualifications. In general, the government was expected to direct its internal and external affairs according to Islamic law. The verdict reached by the Committee was that the current regime is illegitimate since it does not fulfil the objectives and aims according to the religious law.<sup>214</sup> On these considerations, the organisation established a duty on the part of the

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<sup>213</sup> This analysis is contained of the *CDLR Monitor*, 1995 issues 49-55.

<sup>214</sup> *CDLR Monitor* No. 54.

community (*umma*) not to be passive, but for people to reject in their heart any sinful act and to support the scholars who advocate for reform.

The manner in which they supported their claims is precisely in the way expressed by Asad, since it revolves around the historical and traditional religious sources in order to explain the present and to advance a kind of moral criticism (Asad, 1993: 210).<sup>215</sup> Apart from the main religious sources, they rely mostly on the comments of Wahhabi sources, such as Ibn Taymiyya, Ibn Qayama, Sheikh Abdul Rahman ibn Hassan al Sheikh and the previous Mufti Sheikh Ibrahim. As Al-Rasheed contended, they represent a syncretism due to their roots combined with their questioning of the established rules of the Saudi political game (Al-Rasheed, 1996a: 20).

Nowadays, the activities of this group have been reduced, due to the debts of al-Masari and the split between him and al-Faqih since early 1996.<sup>216</sup> The site of the CDLR on the internet ([www.demon.co.uk/cdlr](http://www.demon.co.uk/cdlr)) is often used to advance the causes of other Muslim organisations based in Britain, like the *Mujahirun* and the Bangladeshi Muslim Literary Circle in Great Britain, in reflection of al-Masari's wish to extend the platform of the group.

#### **5.4.2 The Movement for Islamic Reform**

After the split with al-Masari, Dr. Faqih organised the Movement for Islamic Reform (MIRA), in March 1996, in London. Following the original scope and content of the CDLR, as well as its means, MIRA became another important source of Islamic

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<sup>215</sup> For an analysis of the study of history and its relevance for the question of legitimacy and identity see Al-Rashed, Madawi (1998). "Political Legitimacy and the Production of History: The Case of Saudi Arabia" in Martin, Leonore (ed.). *New Frontiers in Middle East Security*. (London: Macmillan). pp. 25-46; Nevo, Joseph (1998). "Religion and National Identity in Saudi Arabia", *Middle Eastern Studies* 34, (3): 34-53.

<sup>216</sup> Al-Masari in 1997 after his case of deportation, declared a debt over 100, 000 pounds according to *The Guardian*, (11 January 1997). p. 5. The dispute between Dr. Faqih and Al-Masari revolved around issues of management and ideological differences. The former was accused of disregarding collective decision and establishing links with other Muslim organisations; meanwhile Dr. Faqih was accused of taking funds and maintaining secret contacts with Crown Prince Abdullah. *The Guardian*, (7 March 1996). p. 11.

moderate opposition. The aims of MIRA are the quest for reform, particularly advocating the freedom of expression and association and the elimination of religious police in Saudi Arabia.

The content of its main publications, *Arabia Unveiled*,<sup>217</sup> showed the same concerns earlier expressed by the CDLR and under the umbrella of the Memorandum of Advice. The demands of the latter, such as the independence of the judiciary, the accountability of the government and royal family, the socio-economic problems derived from mismanagement, are among the most important in the MIRA agenda. Of particular importance is the continuous reference, in its publications, to the economic situation and especially to oil policy, accompanied by commentaries on defence policies and news about economic developments in the Kingdom. The criticism of the royal family is mainly directed towards King Fahd and his sons, Prince Khaled bin Sultan, Bandar bin Sultan, and Prince Sultan bin Abdul Aziz, stressing the accrual of the wealth of the state by the Al Saud family. When referring to the issue of succession, the comments about Prince Abdullah are mild. Regarding the role of the *ulama*, the MIRA support their role as those responsible to keep Islam, but only recognise the non-conformist *ulama* such as Safar al-Hawali. In contrast, Sheikh Ibn Baz was considered as lacking legitimacy because of his support for government policies.

#### **5.4.3. The Shi'a opposition**

The *Shi'a* community, since the unification of the Saudi state has been the object of a policy of rejection, being considered infidels and innovators. The opposition coming from this community has focused on its demands as a marginalized group in a *Sunni* oriented society. In the decade of the eighties, the main opposition group of *Shi'a* was the Organisation of the Islamic Revolution. Their stance, which focused more on complaints concerning economic and social issues, was rather aggressive amid the

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<sup>217</sup> See [www.miraserve.com](http://www.miraserve.com).

triumph of revolutionary Iran. Towards the end of 1980s, the *Shi'a* criticism began to focus on issues of human rights abuses in the Kingdom and the lack of popular participation, criticising the amount of power held by the King (Morraheded and Fandy, 1997: 308).

Since the nineties, the stance of the movement has shifted to “a minority in search of cultural authenticity”, searching for a space in Saudi Arabia as a minority with a long history and traditions of its own, but at the same time as a member of the Saudi society (Al-Rasheed, 1998: 122). The name of the movement changed to the Reform Movement and its publication until 1993 was the monthly magazine *Jazira al-'Arabiya*. In spite of its firm position in reasserting its *Shi'a* identity, the movement's elaboration of its demands has had parallels with other groups of Saudi society that want greater openness of government. The criticism against the establishment stems from the rigid line taken by Wahhabism against the *Shi'a* community (Ibid. 129).

The new stance of the *Shi'a*, and the context of the nineties with the emergence of the above-mentioned groups, favoured an agreement between the Reform Movement and the government. As this movement opposed the Iraqi invasion of Kuwait and participated in a general mobilisation against it on one hand, and as the government was eager to prevent a possible link between the reform movement with other opposition groups, the government shifted its long held discriminatory policy in favour of building a bridge. An agreement reached in 1996 involved the release of shiite prisoners, the issue of passports to those shiites wanting to return to Saudi Arabia, a review on the ban on travel of two thousand shiites and allowing the cultural and religious expression of the *Shi'a* community (such as the importation of books, the removal of negative references towards the *Shi'a* community and the acknowledgement of the *Shi'a* as one of the sects of Islam).<sup>218</sup>

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<sup>218</sup> *Mideast Mirror*, (27 August 1996). p. 17.

Shortly after the agreement, the events at al-Khobar in the 1996 bombing showed once more governmental suspicion about the *Shi'a* community, since the arrests were concentrated in this community, and the agreement seemed to be far from implemented. In 1999, with the commencement of the restoration of diplomatic relations between Saudi Arabia and Iran, the Saudis chose a member of the *Shi'a* community to become ambassador in Tehran.

#### **5.4.4. Other opposition groups**

Also founded in London was the Committee for Advice and Reform (CAR) linked to Osama Bin Laden, the famous *mujahid* currently “exiled” in Afghanistan. The message put across by this organisation group was to some extent similar to that of the CDLR, but was more radical advocating *jihad*. Initially, the CDLR and this organisation issued communiqués together, but later they became separated, partly because the stance of Bin Laden emerging as a major figure associated with terrorist activities (as portrayed by the USA) linked to the bombings in Kenya and perhaps in the 1995 and 1996 bombings in al-Khobar in Saudi Arabia.

Another opposition group is the Committee against the Corruption of Saudi Arabia (CACSA),<sup>219</sup> based in the United States. According to its mission statement,<sup>220</sup> the CACSA aims to change the *status quo* in Saudi Arabia. It claims no links with any other political or religious organisation and “condemns violence, extremism and fundamentalism”. CACSA invokes moderation, stating as its second aim the change of leadership of the Saudi regime, not the system. It maintained that this could be performed without consideration of societal morals and the Islamic roots. This organisation aims as well for the establishment of new laws in order to allow freedom of expression and the protection of “basic human rights and women’s rights as citizens of

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<sup>219</sup> See [www.saudhouse.com](http://www.saudhouse.com)

<sup>220</sup> <http://www.saudhouse.com/mission.htm>, 27 August 1997.



Saudi Arabia”.

The publications of the CACSA are focused on the denunciation of the policies carried out by the government and of the behaviour of the royal family, lacking any further elaboration on its aims. The origins of the group are uncertain, and some persons familiar with the opposition Saudi groups have pointed out the possibility that this organisation could be operated by Americans. However what is clear is that, due to the sensationalist styles, CACSA publications are more oriented to the western audience than to analysing and commenting on religious and socio-economic and political problems. These last two groups' websites have been removed from the Internet since 1999.

### **5.5. The Maintenance of the Regime**

The second phase of the regime and opposition confrontation started from 1994, with the arrest of the two well-known non-conformist *ulama*. The situation in terms of challenges launched by the opposition became more serious following the bombings in 1995 and 1996. The escalation of violence showed how the opposition groups were no longer merely vocalising their complaints and reformist ideas, but were using violent means that threatened the security of the Kingdom. The government, aided by the official *ulama*, continued with its policy of emphasising its Islamic commitment, and at the same time enforced a more firm policy against the internal dissidence. The official *ulama* became more assertive in their efforts to defend their position *vis-à-vis* the opposition groups, disqualifying them and defending their own role as the moderates within the spectrum of religious groups in the Kingdom. If at the beginning the *ulama*, in particular Ibn Baz and Uthaimin, supported the letter of petitions, later, they retracted

their involvement. It did not matter that in principle they agreed with at least some of the observations of the petition. However, the official *ulama* did decide to keep their leverage with the religious preachers and at the same time to maintain their position as intermediaries between both sides.

The policy enforced by the government in tandem with the *ulama* showed its religious credentials through the condemnation of the World Population Organisation and the International Women's Conference, on the grounds of these conferences being aimed against the principles of Islamic law. The condemnation showed their firm stance in defending Islam against the liberal and immoral values of the West, as exposed in the document of this conference.<sup>221</sup> The *ulama* made an exhortation to boycott the international gathering and forbid attendance.<sup>222</sup> This condemnation was followed by support from the government, which declared its support for the stance of the *ulama*.

The major crackdown against the religious opposition groups culminated in the arrest of the two main popular *ulama*, Sheikh al-Audah and Sheikh Hawali, in September 1994. The action against these two sheikhs was primarily on religious grounds, since the policy of the government was to leave this issue in the hands of the official *ulama*. The government was clearly aware that it lacked legitimacy and could not have any legitimacy if the official *ulama* did not co-operate. The reason behind the *ulama*'s co-operation was their interest in reinforcing their position *vis-à-vis* the opposition groups, so as to maintain control of the religious discourse (which the non-conformist *ulama* disputed). The previous year, the Board of Senior *Ulama* had issued a *fatwa* that established their stance against the two sheikhs and addressed the way that the authorities should implement their ruling. The Board suggested that the two men should stand before a committee formed by the government officials and two religious scholars chosen by the Ministry of Religion. This committee summoned the sheikhs and

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<sup>221</sup> (1995). *Majalat al buhuth al Islamiyya* 45: 331-334.

<sup>222</sup> *Mideast Mirror* (1 September 1994 ). pp. 8-10

ask them to abstain from their activities and to apologise.<sup>223</sup> However, the two sheikhs refused and continued their activities in the Kingdom until finally they were arrested together with more than one hundred activists.

The government, in a statement issued by the Ministry of Interior, emphasised that the arrest was due to their violation of the resolution of the Board of Senior *Ulama*. In addition it stressed the role of the government as the guardian of society, protecting it from “people’s evil”, since the two sheikhs were accused of violating what “a Muslim committed to the consensus should do”.<sup>224</sup> Behind these comments, it is clear that the government was legitimising its policy by enforcing the resolution of the Board and fulfilling its duty as the guardian of the nation.

Another issue where the *ulama* and government co-operated, after the arrest of Al Hawali and Al-Audah, was on the issue of foreign policy. The Mufti Ibn Baz issued a *fatwa* declaring the permissibility of making peace with Israel in December 1994,<sup>225</sup> on the basis that the agreement would be a temporary one and should be dictated by “Islamic necessity”. This *fatwa* was criticised by non-conformist *ulama* and by religious scholars from abroad in cassettes and lectures. Since 1991, Saudi Arabia attended the Madrid Conference and became associated with meetings as an observer, opening the way for a major involvement in the Arab-Israeli issue. This was important in order to keep a balance of power in the region.

The regime had to overcome a difficult period when the opposition orchestrated the attacks on US installations in the Kingdom. The bombings of American installations in Riyadh in December 1995, where five Americans died, were in reaction to the arrest of the opposition activists, as well as against the US military presence in the Kingdom: an issue that had been criticised constantly since the early nineties. A group called “the Partisans of God Fighting Organisation” claimed to be responsible. They were asking

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<sup>223</sup> Resolution 2/951. *Mideast Mirror* (27 September). pp. 16-17.

<sup>224</sup> *Ibid.* p. 16.

<sup>225</sup> *Mideast Mirror* (14 February 1995). pp. 13-16.

for the evacuation of US forces from the Arabian Peninsula and the Gulf States. They demanded the release of the religious dissidents, the lifting of all curbs on Muslim scholars and preachers, and the full implementation of the *shari'a*.<sup>226</sup> After five months, the government claimed to have captured those responsible who, in their confessions, admitted links with the CDLR and Bin Laden (both CDLR and Bin Laden rejected their involvement) and a Jordanian religious organisation.<sup>227</sup>

Later, in 1996, the bombing in al-Khobar uncovered another group discontented with the regime. The attack, targeted towards the American presence, caused the concern and involvement of the United States. The first reaction of the Saudi government was to arrest people belonging to the *Shi'a* community, from the eastern province. Once more the official pronouncements suggested a foreign link with the group, pointing towards Iran. It was clear that the timing of the bombing coincided with the execution of the people involved in the bombing of Riyadh. Later, after a period of investigation, those responsible for the bombing were revealed to be Arab-Afghans (Saudis who had participated in the liberation war of Afghanistan). The latter clearly comprised a social grouping dissatisfied with the regime and its relations with the USA.

The *ulama* issued a *fatwa* condemning the events of al-Khobar and exhorting people to the right path.<sup>228</sup> The preachers' pronouncements in the mosques stressed the importance of closing ranks with the monarch and avoiding any action that would endanger the Kingdom.

In spite of the governmental policies against the Islamist opposition, the government allowed some preachers to vent some criticism against the West. The Imam of Mecca, Sheikh Saleh ibn Hamed, launched a serious attack on Israel's offensive towards Lebanon in that year, blaming the USA as being responsible for these events.

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<sup>226</sup> The precedent for the signature of the agreement is found according to the Mufti in the truce that Mohammad established with the people from Mecca. *Mideast Mirror*, (14 January 1995). pp. 10-14.

<sup>227</sup> *Mideast Mirror* (15 November 1995).

<sup>228</sup> (1996). *Majalat al buhuth a- Islamiyya* [Magazine of Islamic Research] 47: 367-370.

His sermon appeared on the front pages of Saudi newspapers.<sup>229</sup> Another important voice was that of Sheikh Al-Sudeiss, who condemned the influence of the West through its satellites and the damaging effects on Saudi values.

In general, due to the violent nature of the events and the policy against the opposition groups analysed above, the government and *ulama* managed to control the situation. The government in the following years, as has been mentioned, supported the official *ulama* and co-opted other groups (such as the *Shi'a*) or individuals in order to neutralise the Islamist opposition, amid policies aimed at enforcing its legitimacy anchored in the religious and social practices of the Kingdom.

Of the opposition groups abroad, the only one which remains active is MIRA. In general, the Islamist opposition inside or abroad has remained fragmented, and without any coherent strategy that could sustain or advance its cause. As is contended by Kostiner, the threat posed by the Islamists will depend on the ability to draw supporters from educated or professional circles and the credibility of their criticism toward the government (Kechichian, 1997: 7).

From the opinions given to the researcher about the role of the *ulama* in the kingdom, it is clear that the majority of religious scholars agree on the importance of the role of the *ulama* in general, upholding religious values and as persons who can advise the king and the emirs in general on the public interest. Interviewees L and M agreed on the flexibility of the *ulama* to adapt to the changes through *ijtihad*, and added that the main domain of the *ulama* is the judicial affairs. Only one religious scholar considered that the role of the *ulama* had decreased. He argues that the *ulama* have gradually been limited by the government in terms of the areas where they can exercise their authority. Furthermore, although he acknowledged that most of the official *ulama* were true scholars, he considered that their age and lack of contact with other cultures deterred

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<sup>229</sup> French Press Agency FBIS-NES-96-088, 4 may 1996.

them from being open towards changes taking place. The younger generation is more open since they have travelled and their studies had not been traditional.

From the interviews with non-religious scholars, interviewees j and k stated that the official *ulama* were important for society in order to control the rhythm of changes. Interviewee f, however, did not like the stance of the younger *ulama* who, he said sought political authority. In contrast, interviewee e, regarded the *ulama* as totally dependent on the government, stating that forty years ago, the *ulama* could talk directly to the people, whereas now they have to ask permission of the government.

The death of Ibn Baz in April 1999 showed the high esteem in which he was held among most of Saudi society, in spite of the heated debate over his stance as part of the regime. Immediately, Sheikh Muhamad al Sheikh, who had previously been the deputy of the Mufti, was appointed as the new Mufti. However, some religious scholars linked to the system were unhappy at the appointment of the Sheikh as they had favoured the appointment of Sheikh Muhammed ibn Saleh bin Uthaimin, considered by many as a distinguished and true scholar (*hug*). The activities of the *mutawwa'a* became more noticeable immediately after the death of Ibn Baz and the appointment of a new Mufti. Some Saudis interpreted this as a demonstration of the discontent with the appointment of the new Mufti and their preference for Sheikh Uthaimin.

## Conclusions

Saudi state and society, as have been portrayed in this study, are crucial elements in understanding the internal dynamics that are often disregarded by scholars and studies about Saudi Arabia. The dynamics unfolded in this study have shown how the link between society and government is paramount in sustaining the legitimacy of a regime, and through this how important the roles of the *ulama* and the government are in sustaining that relationship. Going beyond the simplistic approaches commonly applied to the case of Saudi Arabia and other Middle Eastern countries, focusing on authoritarian form of government or on rentierist political economy approaches, this study has illustrated how complex the threads of the dynamics are that sustain the legitimacy of Saudi Arabian political system, and with it the pivotal roles that the *ulama* and government play.

The point of departure in this study, in contrast to the studies mentioned, is a particular notion of power. Rather than power being considered as power over, that is to say power conceived as being imposed. This study focused on a notion of power not imposed from above but stemming from society itself. In this way authority is perceived as an aspect of power relations and, at the same time, as a means of power. Legitimacy focuses primarily on the relationship between the authorities and society sustained by the agreement between both parties about the rules and values that regulate the society in general, including the political system. For these reasons, the authorities in order to become authorities and to be regarded as such have to have legitimacy and maintain such legitimacy through an ongoing process.

Following the proposals of Giddens, Sewell and Onuf, it is shown that some actors have more resources than others to participate in the creation and recreation of the norms. In this sense the *ulama*, the main interpreters of the sacred sources, have

displayed their authority. The government has exercised power through its command of authoritative and material resources, and as the guardian and enforcer of the religious precepts. However without the compliance, consent and practice of those rules or norms by society neither the *ulama* nor the government would maintain their role as authorities. The way the Saudi Arabian people experienced Islam, creating and recreating the norms, has been a product of their own development as an organised form of state. The importance ascribed to how things are and how they work, or what one should do or must do, are the norms that regulate daily life in society. The content of those norms has been determined by the practice and tradition of that society.

In this study a group of hypotheses were established in order to offer a guide to understanding the relationship between both the government and the *ulama* in contemporary Saudi Arabia. It has been the main purpose of this study to show the existence of interdependency between both types of authority through the phases of cooperation and conflict.

Given that this relationship is interdependent it has been necessary to look at the way that both society and government have reproduced an "agreement" that is the basis for the maintenance of the relationship between the government and governed, and with it the preservation of both authorities and the political system. The preservation and enforcing of religion is at the core of the relationship between government and governed, where the creation and practice of the notions of authority and legitimacy have revolved around religion. The alliance between Muhammad ibn Saud and Muhammad ibn Abdul Wahhab created a religious movement anchored in spreading Islam across the peninsula and formed an organised entity around religious precepts. This was the rationale of the famous alliance between the founders of the current Saudi Arabian Kingdom. In practice, the movement was supported by the legitimation given to Muhammad ibn al-Saud and his descendants by the *ulama* on one hand, and on the



other, on the support of Al Saud family for the expansion of the religious call.

The religious principles envisaged by the Wahhabi doctrines emphasised the active character of the individual towards religion and established the norms and values from where the principles and social practices of legitimacy have been derived. The notion of *tawhid*, the *raison d'être* of the movement, stressed the active involvement of their members, in an attempt to overcome the tribal differences and to attain the unification of central Arabia.

The interdependence between the *ulama* and the government found justification in the principles of Hanbalism and specifically in the notions of authority and legitimacy provided by the Hanbali and Wahhabi religious scholars. The emphasis on the role of the temporal authority as guardian of the religious precepts constitutes the most important value that legitimises the authority. Furthermore, the notion of obedience to the temporal authority and its importance in avoiding the disunity of the community constitute the main principles in determining who are the authorities and what is the relationship between the government and governed. These principles, upon which the community and the authorities revolve, were outlined by the Wahhabi scholars during the historical periods, contributing to the formation of what al Azmeh has termed the "Wahhabi ethos" or an Islamic way of life, which continues to be elaborated and recreated through the practices of both state and society.

The practices of the relationship between *ulama* and government evolved in tandem with the consolidation of a central authority, as well as the extension of the movement. At the beginning, then, the relationship between Muhammad ibn Saud and Muhammad ibn Abdul Wahhab was based on cooperation, and the role of the Al al-Sheikh family was important in the creation of the first and second Saudi state. With the organisation of the third Saudi state, the role of the *ulama* in participating in decision-

making policy has gradually decreased, but their role as the major enforcers of religious principles, administrators of justice and educators has remained.

From the *ulama*'s side, their dependency on the political authority stemmed from the origins of the Saudi state formation. The *ulama* have been financially supported by the central authority. This practice, born from the necessity of differentiating them from the Ottoman *ulama* during the first Saudi state, has continued until the present. They have not enjoyed any specific link with any other social group, since they were initially the only differentiated one, in which the Al al-Sheikh family enjoyed a special status. Their status, as representatives of the central authority and simultaneously as the only source for the transmission of knowledge, gave them a role as the main actors involved in the constitution of the forms of life and the principles underlying the practice not only of religion, but also of politics. The acceptance of religion meant at the same time the acceptance of the political authority.

It is also important to consider the *ulama*'s role as providers of legitimacy for the transmission of power. The oath of allegiance, a practice enforced by the Wahhabi scholars, was performed first by request of Sheikh Muhammad ibn Abdul Wahhab, before the death of Muhammad ibn Saud to his son Abdul Aziz. The latter held both the title of Emir and Imam, since when the Al Saud successors have held these two titles. Since then all the successions and their respective oaths of allegiance have had the *ulama* first as main guarantors, followed by the rest of the population. In cases of dispute among different challengers to the political authority, the *ulama* have maintained their role as the upholders of the unity of the religious community, and also have aligned themselves with the *de facto* power holder, as happened during the second Saudi state, and in the third state with the deposition of King Saud and their approval for Prince Faysal as successor.

The transformation of the central authority into forms of an organised polity occurred in tandem with the *ulama*'s transformation, particularly during the formation of the third Saudi state. The consolidation of political authority brought in the institutionalisation of traditional practices. Initially the unification of the Kingdom of Saudi Arabia brought in the enforcement of Wahhabi principles, based on the Hanbali school of law and with it the role of Wahhabi Najdi *ulama*. Later, with the reforms introduced by King Faysal, the institutionalisation of different domains of activities also brought in the formalisation and institutionalisation of the *ulama*'s role. Even with the appearance of progressive government regulations and specialised judicial committees, still the role of the *ulama* and the prevalence of *shari'a* remain paramount in the Kingdom. Moreover, in the articles of the Basic Regulations of 1992, the primacy of *shari'a* was enunciated. In the same way, the autonomy of the judiciary is formalised by these regulations.

During the contemporary period, the *ulama* are far from being removed from their primary role as interpreters of the religious sources and exercising their influence in determining society values and norms. The place of the *shari'a* continues to remain as the source of norms, and, as regarded by Salvatore, as a metanorm. As it was pointed out, the basic regulations formalised the role of the *shari'a* and the importance for the articulation of the legality and the practice of daily life in the Kingdom. More importantly, the traditional values established since the beginning of the Wahhabi movement have been re-elaborated and recreated by Saudi society. The stress on the commitment of the individuals towards religion, the importance of religious learning and their role as members of the community to recreate those principles continue to the present as was exposed in the fourth chapter.

The religious scholars have continued to exercise their influence through their input upon the articulation of the roles of the members of the community. The issue of

*fatawa* has regulated and shaped the practices of individuals, who produce and reproduce regulations and therefore has contributed to the maintenance of regime legitimacy. The government has helped the *ulama* in this regard by providing the institutionalisation of their offices and enabling them to carry out their activities. After all, the generation and maintenance of values and norms have been the most important element in maintaining legitimacy over the long term.

Religion as a source of legitimacy has proven to be a double-edged sword for the Kingdom and its stance as a Muslim and conservative country. From the 1950s, the country has not been immune to challenges emanating from radical ideologies such as pan-Arabism, socialism and communism coming from abroad or from domestic groups inside the country. In particular during the decade of the eighties, as a consequence of both the Mecca Uprising and the external challenges stemming mainly from revolutionary Iran, Wahhabi principles were re-asserted in order to protect the country from those challenges. In this context and particularly when a challenge to the *ulama*'s legitimacy and the regime exists, the *ulama* have had to reinforce their independence *vis-à-vis* the government, creating conflict in the relationship.

As has been analysed, during the decade of the eighties the *ulama* had a considerable impact on the implementation of certain issues. For example, the *ulama* openly opposed the government policy of mortgage-backed lending on the grounds that this policy contravened Islamic principles, a stance that was supported by sectors of the Saudi population. After the *ulama*'s stance, the government withdrew the policy. However the legitimacy of the government was not questioned, when, in the economic crisis, the government implemented some financial measures such as the issuing of bonds in 1987. Nonetheless, because of the *ulama*'s reaction, the government decided to spend the money generated from the profits on public works following Islamic principles. This issue over the question of banking remained as a "public debate" along

the decade of 1980s and raised a conflict of interest, since the arbitration of commercial and business problems became trapped in the existence of a double legal system, where the *shari'a* court tended to favour the debtors.

In contrast, cooperation existed between the *ulama* and the government for the implementation of the programme known as 'Saudisation'. The programme not only has an economic objective, but also a social objective delineated in such a way as to protect Saudi society from foreign ideas.

The *ulama's* role in the recreation and enforcement of the *shari'a* continued during the decade of 1980s and, particularly, with the help of the government, acquired a greater margin of manoeuvre enforcing religious regulations on women's role in society. Women, being the stable category of the social system, have been more likely to uphold the religious norms and social practices attached to them, by the *ulama*, the government and society in general. Enforcing religious practice regarding the role of women has reverberated in the sustenance of both the religious credentials of the regime and the maintenance of the religious values of the society. The conflict between government and *ulama* was raised when the government invited women to work in public offices. However, later the government issued a decree formalising the ban on women working in the governmental offices and in private business.

Another area that has been traditionally part of the *ulama's* domain has been education. In spite of the emergence of universities with a curriculum more oriented toward the study of other areas than religion, the *ulama* still maintain their upper hand in general education. The study of religion in formal and informal systems continues to the present day but despite the rising numbers of students, the ratio to the total number students has been decreasing. However in the future this area, due to the challenges imposed by globalisation and the economic needs of the country, could be the cause of conflict.

In the case of foreign policy the participation of *ulama* is mainly restricted to the spread of Islam abroad, a practice encouraged by the foreign policy of Saudi Arabia based on her role as guardian of the holy places. Whenever a challenge has been issued, such as by the stances of the revolutionary government of Iran and the Libyan government, by the Iraqi threat during the Gulf war, or by the emergence of domestic opposition, the *ulama* have defended the King and the country. This stance has been consistent with their historical role as defenders of the unity of the community

Government policies and the role of the *ulama* have not been exempt from contestation emanating from groups and individuals inside the Kingdom. Islam, as the main source of legitimacy has also been invoked as a source of contestation. The cases of contestation presented highlighted that the *ulama* and government acted in tandem to preserve the stability of the system. However, the *ulama*'s position was not immediately "spelled out" in the case of the take-over of the Mosque. The *ulama*'s reaction should not be regarded only in the light of their condemnation of the groups or individuals, either as defending their position as the sole interpreters of the Islamic sources, or as defenders of the unity of the community. Their participation in the contestation lies in the fact that the official *ulama* have also been the educators of those who are challenging the system. In the case of the Islamic opposition of the 1990s even senior official *ulama* agreed with the demands of the non-conformist *ulama*, but not with the political implications of their demands. In spite of their condemnation of the emergence of the opposition group CDLR and the main leaders of the opposition, neither the *ulama* nor the government entered into the debate concerning the content of the Islamist opposition. Once more the government and *ulama* had cooperated in preserving the integrity of the Kingdom. Specifically the *ulama* had reiterated the role of the government in enforcing and upholding religion, as the main values related to the legitimacy of the government. On the other hand, the *ulama* had been able to maintain

their leverage with the oppositionist leaders, especially Safar al-Hawali and Salman al-Audah, as a way to mediate between both the government and the opposition and particularly to moderate the stance of the Islamic opposition.

In spite of the fact that the opposition groups do not currently represent a threat to the government or to the political system, since they have neither a clear platform nor the support of larger segments of the society, their claims should not be discounted. Their reinterpretation broke the homogenisation of the official discourse about the representation of the past and the role of religion, premises on which government and *ulama* are sustained. Their call for a model based on the co-operation between government and *ulama*, as was established during the first Saudi state indicated a reinterpretation still anchored in the traditions of the society. The criticism over the role of religion, government and *ulama*, proved that a sector from the society was not satisfied with the fundamentals of Saudi society.

In general the influence of the Islamic opposition upon the government and religion has tended to polarise the society between two extreme positions, the middle way or the moderate position then is scarce. The role of the *ulama* in this situation becomes fundamental for the society and for both parties, in order to keep the unity of the community and in this way continue to exercise their mediation between government and society. This important role explains why the *ulama* as an institution, will remain over the long term, in spite of the government's attempt to create other instances of power, namely the specialised committees, the creation of different ministries in charge of the religious affairs and the recently established Council of Islamic Affairs. Not giving the *ulama* enough credibility will continue to affect government legitimacy.

The major challenge for the *ulama* is not a matter of government control, but how much weight their opinion and guidance can prevail over the beliefs and practices

of the population. The increasing number of persons accessing satellite TV, the adoption of western forms of behaviour, access to internet and the pressures on the Kingdom to open up its frontiers to the world market are important sources of competition in the *ulama*'s domain.

Throughout this study voice has given to different groups and individuals and their practices, showing through consent and contestation, how Saudi society has different tendencies that differ from the liberal and conservative tendencies that are often portrayed in studies about the Kingdom. In each issue presented notice has been served concerning the different positions at stake. However, Saudi Arabia remains to a large extent "terra incognita" for social research. It is in that domain that research needs to be done, contributing to a full understanding of how Saudi society evolves. Currently an examination of the "new" proposals that the recently freed Islamist opposition leaders have launched deserves special attention.



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